

rolled Bills, have had S. B. No. 417 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, May 20, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 428 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, May 20, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 453 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, May 21, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. J. R. No. 31 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, May 21, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 10, A bill to be entitled "An Act amending Article 3891 as amended by House Bill No. 9, Chapter 20, of the 4th Called Session of the 41st Legislature; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments and be not printed in lieu of advance printing.

MOORE, Chairman.

Amendment No. 1.

Amend House Bill No. 10 by striking out the words and figures "Ten Thousand (\$10,000.00) Dollars", wherever they appear in the bill and insert in

lieu thereof the words and figures "Twelve Thousand Five Hundred (\$12,500.00) Dollars".

Amendment No. 2.

Amend House Bill No. 10, third paragraph of Section 1 of the advance printed bill, by striking out all after the word "office" in line 56, down to and including the words and figures "thirty-four thousand, two hundred (\$34,200.00)" of the same paragraph.

Amendment No. 3.

Amend House Bill No. 10, page 3 of the advance printed bill, line 24, by striking out the words and figures "eighteen thousand (18,000)", and substituting in lieu thereof the words and figures "twenty thousand (20,000)".

SEVENTY-FOURTH DAY.

Senate Chamber,

Austin, Texas,

May 22, 1931.

The Senate met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Farrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Stevenson.

Prayer by Rev. Wiggs of the House.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodruff.

Petitions and Memorials.

(See appendix.)

Committee Reports.

(See appendix.)

Bills and Resolutions.**Bills Signed.**

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read the following bills and resolutions:

S. B. No. 90.	H. B. No. 1057.
S. B. No. 430.	H. B. No. 1059.
S. B. No. 627.	H. B. No. 1054.
S. B. No. 375.	H. B. No. 1042.
H. B. No. 575.	H. B. No. 1037.
H. B. No. 52.	H. B. No. 1033.
H. B. No. 518.	H. B. No. 1017.
H. B. No. 519.	H. B. No. 997.
S. B. No. 514.	H. B. No. 994.
H. B. No. 500.	H. B. No. 985.
H. B. No. 493.	H. B. No. 959.
H. B. No. 495.	H. B. No. 898.
H. B. No. 427.	H. B. No. 520.
H. B. No. 381.	H. B. No. 850.
H. B. No. 347.	H. B. No. 588.
H. B. No. 595.	H. B. No. 799.
H. B. No. 119.	H. C. R. No. 54.
H. B. No. 116.	

Senator Excused.

On motion of Senator Russek, Senator Stevenson was excused for the day on account of illness.

S. C. R. No. 57.

Senator Berkeley sent up the following resolution:

Be it resolved by the Senate of the State of Texas, the House of Representatives concurring:

That since additional time is required to complete the labors of this session the Legislature in an orderly and efficient manner that the Regular Session of the 42nd Legislature of the State of Texas stand adjourned sine die at 12 o'clock noon Tuesday, May 26, 1931, House Concurrent Resolution No. 46 to the contrary notwithstanding.

BERKELEY.

The resolution was read.

Senator Pollard sent up the following amendment:

Senator Poage moved to reconsider the vote by which the resolution was adopted. The motion prevailed by the following vote:

Yeas—16.

Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Greer.	Poage.
Holbrook.	Pollard.
Hopkins.	Rawlings.
Hornsby.	Russek.
Martin.	Woodul.

Nays—8.

Berkeley.	Purl.
Hardin.	Williamson.
Moore.	Woodruff.
Oneal.	Woodward.

Absent.

Beck.	Patton.
Gainer.	Small.
Loy.	Thomason.

Absent—Excused.

Stevenson.

Senator Poage sent up the following amendment:

Amend S. J. R. No. 57 by adding thereto the following: "provided that either House shall hereafter consider any matter save conference reports or finance and revenue bills and local and non-contested bills hereto passed out of committees."

Poage, Hornsby, Loy, Russek, Woodruff, Greer, Pollard, Rawlings, Holbrook.

The amendment was read.

Senator Cousins sent up the following amendment to the amendment:

Amend to include congressional bills.

COUSINS.

The amendment to the amendment was read.

Senator Hornsby moved to table the amendment to the amendment.

Senator Hardin raised the point of order that the amendment and the amendment to the amendment were out of order because they attempted to restrict the business to be considered by the Legislature.

The Chair, Lieutenant Governor Edgar E. Witt, held that the amendment and the amendment to the amendment attempted to change the

order of business, but that this could be done by a two-thirds vote.

The motion to table the amendment prevailed by the following vote:

Yeas—17.

Cunningham.	Parr.
DeBerry.	Patton.
Greer.	Poage.
Holbrook.	Pollard.
Hopkins.	Purl.
Hornsby.	Rawlings.
Loy.	Thomason.
Martin.	Woodul.
Neal.	

Nays—13.

Beck.	Parrish.
Berkeley.	Russek.
Cousins.	Small.
Gainer.	Williamson.
Hardin.	Woodruff.
Moore.	Woodward.
Oneal.	

Absent—Excused.

Stevenson.

The amendment was lost by the following vote:

Yeas—17.

Cunningham.	Neal.
DeBerry.	Parr.
Greer.	Patton.
Holbrook.	Poage.
Hopkins.	Pollard.
Hornsby.	Rawlings.
Loy.	Russek.
Martin.	Thomason.
Moore.	

Nays—12.

Beck.	Purl.
Berkeley.	Small.
Cousins.	Williamson.
Gainer.	Woodruff.
Hardin.	Woodul.
Parrish.	Woodward.

Present—Not Voting.

Oneal.

Absent—Excused.

Stevenson.

(Two-thirds vote required.)

On motion of Senator Pollard, the previous question on the further consideration of the resolution was ordered.

Senator Holbrook, who was speaking, raised the point of order that someone had stopped the clock.

The Chair overruled the point of order.

Senator DeBerry raised the point of order that by raising a point of order Senator Holbrook automatically lost his right to continue speaking under the previous question.

The Chair, Lieutenant Governor Edgar E. Witt, sustained the point of order.

The resolution was adopted by the following vote:

Yeas—23.

Beck.	Oneal.
Berkeley.	Parrish.
Cousins.	Poage.
Cunningham.	Pollard.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodward.
Neal.	

Nays—5.

Holbrook.	Parr.
Hopkins.	Woodul.
Martin.	

Absent.

Patton.	Woodruff.
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Absent—Excused.

Stevenson.

Messages From the House.

Hall of the House of Representatives,
Austin, Texas, May 21, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to adopt the Free Conference Committee Report on Senate Bill No. 382 and requests the appointment of a new conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Wagstaff, Ratliff, Kayton, Petsch, Morse.

The House has concurred in Senate Amendments to H. B. No. 427 by a viva voce vote.

The House has concurred in Senate Amendments to H. B. No. 850 by a viva voce vote.

Hall of the House of Representatives,
Austin, Texas, May 22, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to H. B. No. 116 by a viva voce vote.

The House has passed the following bill:

S. B. No. 379, A bill to be entitled "An Act creating the Texas State Nautical School, for the purpose of giving instruction in the practice of navigation, seamanship, wireless telegraphy, steam and electrical engineering; creating a board of governors to manage said school, providing for the adoption of rules and regulations by said board; making an appropriation for the purpose of establishing and maintaining the same, and declaring an emergency."

The House has refused to adopt the following resolution:

S. C. R. No. 54, Relative to sine die adjournment.

The House has concurred in Senate Amendments to H. B. No. 1007 by a vote of 108 yeas and 3 nays.

The House has adopted the Free Conference Committee Report on S. B. No. 263. The Rural Aid appropriation bill by a vote of 109 yeas and no nays.

The House has concurred in Senate Amendments to H. B. No. 823 by a vote of 107 yeas and no nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Chair Presented to Gov. Moody.

The Chair appointed Senators Parr and Williamson to escort former Governor Dan Moody to the platform.

The Chair introduced Senator Holbrook, who presented to Governor Moody the chair used by him in the executive office during his four years service as governor of Texas.

Governor Moody expressed his thanks for the gift.

Gifts Presented to Lieut. Gov. Edgar E. Witt.

President Pro Tem Carl Hardin, introduced Hewitt Davis, who presented to Lieutenant Governor Edgar E. Witt, on behalf of the Senate pages, a travelling bag.

Lieutenant Governor E. Witt, briefly expressed his appreciation for the gift.

Senator Poage presented to Lieuten-

ant Governor and Mrs. Witt, on behalf of the Senate, a silver urn.

Lieutenant Governor E. Witt briefly expressed his and Mrs. Witt's appreciation.

On motion of Senator Purl, the transcript of the proceedings in the presentation of the gifts to Governor Moody was ordered printed in the Journal. (See appendix.)

Conference Committee Report.

Senator Beck reported that the Conference Committee on S. B. No. 246 was unable to agree and requested the appointment of a new conference committee.

The Chair appointed the following on the part of the Senate:

Senators Woodruff, Oneal, Purl, Moore and DeBerry.

Messages From the House.

Hall of the House of Representatives,
Austin, Texas, May 22, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee Report on H. B. No. 185, the Congressional Redistricting Bill, by a vote of 90 yeas and 31 nays.

The House has adopted the Free Conference Committee Report on H. B. No. 251, by a vote of 69 yeas and 59 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Conference Committee Report.

Senator Thomason sent up the following Conference Committee report:

Committee Room,

Austin, Texas, May 21, 1931.

Hon. Edgar E. Witt, President of the Senate.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee appointed to consider

H. B. No. 215, A bill to be entitled "An Act repealing Chapter 68, H. B. No. 114, Acts 1st Called Session 41st Legislature, making it unlawful to take wild beaver, wild otter, or wild fox; etc., and declaring an emergency."

Have had the same under consideration and recommend back to the House and Senate that the same

do not pass, but that the attached bill be passed.

Respectfully submitted,
THOMASON,
COUSINS,
GREER,
PATTON,
NEAL,

On the part of the Senate.

G. M. BURNS,
ROUNTREE,
MURPHY,
LAIRD,
HOLLOWAY,

On the part of the House.

A BILL

To Be Entitled

An Act repealing Chapter 68, House Bill No. 114 Acts 1st Called Session 41st Legislature, making it unlawful to take wild beaver, wild Otter, or wild fox; repealing House Bill No. 134, Chapter 24, Acts 5th Called Session 41st Legislature, prohibiting the use of steel traps, snare or dead-fall in certain counties; providing that this Act shall not apply to certain counties providing that it shall be lawful to take beaver during the month of January in that portion of the State of Texas west of the Pecos River during the month of January of each year, and that it shall be unlawful to take beaver in any other portions of the State or to take otter in this State for a period of ten (10) years following the passage of this Act; providing a penalty and declaring an emergency. Be it enacted by the Legislature of the State of Texas:

Section 1. That Chapter 68, House Bill No. 114, Acts 1st Called Session of the 41st Legislature and House Bill No. 134, Chapter 24, Acts of the 5th Called Session of the 41st Legislature, be and the same are hereby repealed.

Sec. 2. It shall be unlawful to take the pelts of any of the fur-bearing animals of this State at any time other than the open season provided therefor. The open season for taking the pelts of wild beaver, for that portion of the State of Texas lying west of the Pecos River, shall be during the month of January of each year. It shall be unlawful to take the pelts of wild beaver in any other portion of this State or to take the pelts of wild otter in any portion of this State within a period of ten

(10) years following the passage of this Act. Provided that it shall be unlawful to trap any fur-bearing animal in Angelina County during any month of the year, but it shall be lawful to sell the pelts and furs of fur-bearing animals in said county during December and January.

Sec. 3. That there be and is hereby levied a tax of five (5) cents on each pelt taken from a wild beaver which shall be payable as provided in House Bill No. 86, Acts 5th Called Session of the 41st Legislature.

Sec. 4. Any person who violates any provision of this Act shall be deemed guilty of a misdemeanor and shall be fined in any sum not less than Ten (\$10.00) Dollars nor more than One Hundred (\$100.00) Dollars and his trapper's and dealer's license shall be forfeited at the time of conviction and he shall not be entitled to purchase another such license for a period of one (1) year.

Sec. 5. Provided that the provisions of this Act shall in no way apply to McLennan, Fall, Limestone, or Milam Counties nor to the counties composing the following Senatorial Districts: eight (8), ten (10), eleven (11), fourteen (14), fifteen (15), sixteen (16), seventeen (17), twenty (20), twenty-one (21), and twenty-eight (28); except, however, it shall be effective as to Brazos County of the Fourteenth (14) Senatorial District.

Sec. 6. Provided that it shall be unlawful for any person to kill, take, or have in his possession for barter or sale within Caldwell, Williamson, Milam, or Lee Counties within a period of ten (10) years after the passage of this Act, any wild beaver, wild otter, or wild fox, or the pelts thereof.

Sec. 7. The fact that trapping for fur-bearing animals is prohibited in certain counties of this State and the fact that beaver are numerous in that section of the State west of the Pecos River and the fact that wild fox are given more than adequate protection in the eastern portion of this State, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended and the same is hereby suspended and that this Act shall take effect and be in force from and

after its passage, and it is so enacted.

Read and adopted.

Conference Committee Report.

Senator Small sent up the following Conference Committee report:

Committee Room,

Austin, Texas, May 21, 1931.

Hon. Edgar E. Witt, President of the Senate.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, appointed to adjust the differences between the House and the Senate on H. B. No. 251, as to the proposed tax on cement, have had the same under consideration, and beg leave to report that we have carefully considered the same and recommend the adoption of Section 36-A, in lieu of 36-A or 39-A, an amendment by Hopkins imposing a tax upon cement. The Hopkins amendment providing for a tax of five (5) cents per hundred (100) pounds on cement, and Section 36-A, as substituted, changing said tax from five (5) cents to one and one-fourth (1 1/4) cents per hundred (100) pounds.

All other Senate amendments to said bill having heretofore been concurred in by the House.

Respectfully submitted,

SMALL,
MOORE,
LOY,
PURL,

On the part of the Senate.

HOLDER,
SANDERS,
HUBBARD,

On the part of the House.

Sec. 36A. (a) There is hereby imposed a tax of one and one-fourth (1 1/4) cents on the one hundred (100) pounds or fractional part thereof of cement on every person in this State manufacturing or producing in and/or importing cement into this State, and who thereafter distributes, sells or uses the same in intra-state commerce. Said tax shall accrue on and is imposed on the first intra-state distribution, sale or use; provided, however, no tax shall be paid except on one sale, distribution or use. The person liable for said tax is hereby defined to be a "distributor."

(b) Such tax shall be due and payable at the Office of the Comptroller, at Austin, on the 25th day of each succeeding month, based on the business done the preceding calendar month, and on or before said date such distributor shall also make and deliver to the Comptroller a report, sworn to, showing all cement distributed, used and sold, upon which a tax accrues as well as all produced within this State and imported into or exported out of this State, and such other information as the Comptroller may require.

(c) A complete record of the business done, together with any other information the Comptroller may require, shall be kept by each distributor; which said records shall be open to the Comptroller, Attorney General, Auditor, and their representatives. The Comptroller shall adopt rules and regulations for the enforcement hereof.

(d) No person shall act as distributor in this State who shall be delinquent in the payment of said taxes, and the Attorney General may enjoin his acting as such and may enforce the provisions hereof by suit instituted in Travis County, or other county having venue.

(e) If any person shall violate any of the provisions hereof, he shall forfeit to the State of Texas as a penalty not less than Twenty-Five (\$25.00) Dollars, and not more than One Thousand (\$1,000.00) Dollars for each violation, and each days' violation shall constitute a separate offense. If any person shall fail to pay said tax promptly, he shall forfeit two (2%) pre cent thereof as a penalty, and, after the first twenty (20) days, he shall forfeit an additional eight (8%) per cent. Delinquent taxes shall draw interest at the rate of eight (8%) per cent from due date. The State shall have a prior lien for all delinquent taxes, penalties and interest on all of the property used by the distributor in his business of distributing, selling and/or using cement.

(f) One-fourth (1-4th) of the taxes imposed herein, unless otherwise provided, shall be placed to the credit of the Available School Fund. No tax shall be imposed upon any interstate sale or transaction, nor upon any sale, distribution or use exempt under either the State

or Federal Constitutions, and no other like occupation tax shall be imposed by any municipal corporation on cement.

Read and adopted by the following vote:

Yeas—28.

Beck.	Oneal.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Hopkins.	Small.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Nays—2.

Holbrook. Parr.

Absent—Excused.

Stevenson.

Conference Committee Appointed.

The Chair announced the appointment of the following new Senate Conference Committee on S. B. No. 382: Senators Martin, Thomason, Rawlings, Cunningham and Neal.

Simple Resolution No. 157.

Senator Hardin sent up the following resolution:

Whereas, there is now on the desk of the Senator from Stephenville, executed by one of his constituents, Miss Queen Marrs, a beautifully wrought minature sculptural production of a cradle, representing on the head and foot, the front of the Alamo, shrine of Texas liberty, the body filled with twenty-four exquisitely wrought Bluebonnets, the official State Flower.

Senator Hardin now presents this replica to the Texas State Senate on behalf of his constituent, in accordance with the desire of the sculptor.

Be It Resolved by the Texas State Senate, that same be dedicated to the memory of the heroes of the Alamo. Thermopylae had one, the Alamo had none.

Be it further Resolved that a copy of this Resolution, properly authen-

ticated, be sent to the donor of this work.

HARDIN.

Read and adopted.

House Bill No. 992.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 992, A bill to be entitled "An Act establishing a county law library in certain counties; providing a fund to be administered by the commissioners' court to be raised by collecting fifty cents as costs in each case hereafter filed in civil or criminal county and/or district courts; providing for appointment of a custodian or librarian, and his salary; providing for housing and management, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Purl the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 992 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Present—Not Voting.

Oneal.

Absent—Excused.

Stevenson.

Read third time and finally passed.

Conference Committee Report.

Senator Parr sent up the following Conference Committee report:

Hon. Edgar E. Witt, President of the Senate.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sirs: We, your Free Conference

Committee, to whom was referred Senate Bill 447, for the purpose of adjusting the differences between the House and the Senate, beg leave to report that we have adjusted said differences and recommend that the bill, as amended, do not pass, but that the following Substitute Bill do pass in lieu thereof.

A BILL

To Be Entitled

An Act authorizing the Game Fish & Oyster Commission to construct and maintain a channel through Padre Island, Mustang Island and St. Jo Island, or either or all of said Islands; providing the funds for the cost of construction and maintenance; providing for a majority vote of the Game, Fish & Oyster Commission authorizing said construction; providing that a permit from the Federal Government shall first be obtained; making necessary appropriations, and declaring an emergency:

Section 1: The Game, Fish & Oyster Commission is hereby authorized and empowered to construct and maintain a channel through Padre Island, Mustang Island and St. Jo Island, or either or all of said Islands; the cost of said construction and maintenance to be paid out of the Sand, Shell & Gravel Fund, the Fish & Oyster Fund and Fish Propagation and Protection Fund. No part of the cost of construction or maintenance shall ever be paid out of the General Revenue Fund of this State.

Sec. 2. No contract for the construction of such channel or channels, shall be entered into unless four members of the Game, Fish & Oyster Commission shall vote in favor of the construction of such a channel or channels, and the Minutes of the Game, Fish & Oyster Commission shall show which members of the Commission voted favorable to the construction of such a channel or channels. No contract for the construction of such a channel shall be entered into by the Game, Fish & Oyster Commission, and no money shall be spent in the construction of such a channel or channels without the Federal Government having first approved an application for authority to construct such channels.

Sec. 3. All funds on hand in the Fish & Oyster Fund, Sand, Shell & Gravel Fund and Fish Propagation and Protection Fund September 1, 1931, and the current revenues to be derived and placed to the credits of these three several funds during the next ensuing two years, ending August 31, 1933, are hereby appropriated for the purpose of carrying out the provisions of this Act, provided, however, that the purposes for which these three several funds may be spent as authorized under the law before the passage of this Act, shall be properly and adequately cared for before any expenditure is made out of any of said three funds for the purpose of carrying out the provisions of this Act.

Sec. 4. The fact that the Game, Fish and Oyster Commission is contemplating the construction of a channel through Padre Island and is unwilling to undertake so large a project without the express sanction of the Legislature and the fact that the calendar of both House of Representatives and Senate are crowded at this time, create an emergency and an imperative public necessity requiring the suspension of the Constitutional Rule requiring bills to be read on three several days in both Houses, and said rule is hereby suspended and this Act shall be in force and effect from and after its passage, and it is so enacted.

Respectfully submitted,

PARR,
HOPKINS,
HOLBROOK,
PARRISH,
MARTIN.

On the part of the Senate.

M. H. WEST,
DUNLAP,
PETSCH,
POPE,

On the part of the House.

Read and adopted by the following vote:

Yeas—27.

Beck.	Hopkins.
Berkeley.	Hornsby.
Cousins.	Loy.
Gainer.	Martin.
Greer.	Moore.
Hardin.	Neal.
Holbrook.	Oneal.

Parr.	Small.
Parrish.	Thomason.
Patton.	Williamson.
Poage.	Woodruff.
Pollard.	Woodul.
Purl.	Woodward.
Russek.	

Nays—3.

Cunningham.	Rawlings.
DeBerry.	

Absent—Excused.

Stevenson.

Mascot Presented.

Senator Beck introduced to the Senate little Miss Bobbie Joe Ann Purl, mascot of the Senate.

Conference Committee Report.

Senator Greer sent up the following Conference Committee report:

Committee Room,
Austin, Texas, May 20, 1931.
Hon. Edgar E. Witt, President of the Senate.

Hon. Fred H. Minor, Speaker of the House of Representatives:

Sirs: We, your Free Conference Committee on Senate Bill No. 263, appointed to adjust the differences between the House and Senate on said bill, beg leave to report that we have agreed upon the differences between the two Houses on said bill and recommend that the following bill be adopted.

SANDERS,
WARWICK,
ROUNTREE,
GILBERT,

On the part of the House.

GREER,
PATTON,
NEAL,
WOODRUFF,

On the part of the Senate.

S. B. No. 263.

**A BILL
To Be Entitled**

An Act appropriating Two million five hundred Thousand (\$2,500,000) Dollars per year, or so much thereof as may be necessary, for the next two fiscal years for the purpose of promoting the public school interests of Rural Schools and equalizing the school opportuni-

ties afforded by the State to all children of scholastic age living in small and financially weak districts, attaching conditions, regulations and limitations relative thereto; authorizing aid to such schools in accordance with the conditions herein specified; providing for the maintenance of all Rural Schools which meet the requirements of this Act a term of a certain length; providing assistance for Rural Schools that will afford instruction and demonstration in home and farm vocations; providing assistance in the formation and maintenance of Rural High School Districts according to a county-wide plan; providing for the use of an amount not to exceed a certain sum for the payment each year of the biennium of High School tuition of Rural School pupils according to the provisions of Chapter 181, General Laws of the State of Texas, 40th Legislature, Regular Session, as amended by the First Called Session of the 41st Legislature; providing for the administration of the funds appropriated herein by the State Board of Education and the State Superintendent of Public Instruction; providing for the manner of payment and disbursement of all monies granted under the provisions of this Act; enacting other provisions necessary and incidental to the provisions of this Act; declaring the rule in event any provisions of this Act is unconstitutional or invalid; repealing all laws and parts of laws in conflict herewith; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. For the purpose of promoting public school interest of rural schools and equalizing the educational opportunities afforded by the state to all children of scholastic age living in small and financially weak school districts; there is hereby appropriated out of the general revenue Two million five hundred thousand (\$2,500,000.00) Dollars or so much thereof as may be necessary, for the school year ending August 31, 1932, and two million five hundred thousand (\$2,500,000.00) Dollars, or so much thereof as may be necessary for the school year ending August

31, 1933, to be allotted and expended in accordance with the provisions of this Act; provided, that any unexpended balance occurring at the close of the year 1932 may be transferred and added to the appropriation for the year ending August 31, 1933.

Sec. 2. State aid under the provisions of this Act may be distributed in such a way as to assist all schools of not fewer than twenty scholastics and not more than three hundred scholastics located in districts of not more than four hundred scholastics, and consolidated districts which have an average of not more than two hundred scholastics for each original district composing the consolidated unit, and all districts composed of entire counties having a population of less than five thousand, to maintain the school solely out of state and county available funds for a term not to exceed six and one-half months; provided, that in no event may a school receive more state aid than is needed to maintain the contracted term, not to exceed nine months, as shown by the differences between all available funds and the total disbursements. The allotment of all state aid shall be subject to such rules and regulations as may be adopted by the State Board of Education consistent with the provisions of this Act.

Sec. 3. No common or independent school district shall be eligible to receive aid under the provisions of this Act unless it shall be providing for the annual support of its schools by voting, levying and collecting for the current year a local school tax of not less than seventy-five cents on the One Hundred Dollars of property valuation in the entire district; and provided further that the property valuation shall not be less than said property is valued for state and county purposes; and shall not be less than one-third of its fair market value; provided that the maintenance tax requirement shall not apply to schools maintained solely for Indians.

Sec. 4. The trustees of schools as authorized in Section 2 of this Act may send to the State Superintendent, on forms provided by the State Department of Education, a list of the teachers employed in the school showing the monthly salary, experience and

training of each, together with an itemized statement of expected receipts and expenditures, the length of term, and such other information as may be required, and the State Superintendent, with the approval of the State Board of Education, may then grant to the school such an amount of this fund as will, with the State and county available funds maintain the school for a term not to exceed six and one half months; provided that if the school has sufficient state and county available funds to maintain the school for a six and one half months term according to the salary schedule adopted by the State Board of Education, or with its local maintenance tax, to maintain the desired term, not to exceed nine months, as provided in Section 2, it shall not be eligible to receive state aid; provided further that the county superintendent shall approve all contracts with teachers, supervising officers and bus drivers in all schools before such schools may be eligible to receive state aid under any provisions of this Act.

Sec. 5. It is hereby provided that schools in sparsely settled counties having less than fourteen hundred (1400) scholastic population in the common school districts, may be exempted from the minimum restriction of twenty scholastics; provided that each district applying for aid is levying and collecting the limit of local support as provided for in Section 3 of this Act.

Sec. 6. No part of the aid herein provided shall be used for increasing the salary of any teacher, but the funds provided for in this Act shall be used for the exclusive purpose of extending the length of the school term of the schools situated in the district receiving such aid on the basis of a schedule of teachers' salaries to be determined by the State Board of Education. Any district violating any of the provisions of this Act or any rules or regulations adopted by the State Board of Education shall forfeit all rights to such aid and be disqualified to receive aid of any nature under any section of this Act for the current year. Should any school which would otherwise be eligible to receive aid agree, provide or contract with teachers to pay a smaller salary during the remainder of the term provided out of local funds than is paid out of the State funds, then such school shall forfeit its right to receive aid.

Sec. 7. Any county in this State

that has a special equalization fund derived from state and county available funds and which contributes to the said funds for the benefits of its rural schools out of its own funds as much as forty thousand (\$40,000.00) Dollars per annum, shall receive from the appropriation herein provided, eighteen thousand dollars for each year of the biennium, to supplement the equalization fund thereof for all purposes, without inspections being made by the State Department of Education; provided such counties, in addition to such state aid may be granted reimbursement for high school tuition.

Sec. 8. State aid under the provisions of this Act shall be allotted up on the basis of one teacher for any number of scholastics from twenty to thirty-five; two teachers for thirty-six scholastics; and one additional teacher for additional thirty scholastics. The basis for calculation shall be the net scholastic enumeration including transfers into the district, and excluding transfers out of the districts for the current year; and there shall be deducted all scholastics who have completed the course of study in their home school as authorized by the county board of trustees; provided that in unusual or extraordinary conditions of actual enrollment, an adjustment as to the number of teachers may be made by the State Superintendent with the approval of the State Board of Education.

Sec. 9. State aid may be granted to any one school in the district employing four or more teachers which will provide for the proper instruction and demonstration in farm mechanics, agriculture and home economics, according to a program approved by the State Department of Education, and which shall be employing a teacher or teachers whose qualifications shall be approved by the State Superintendent; provided that the maximum aid to be granted for each of the above courses cannot exceed fifty (\$50.00) dollars.

Sec. 10. On the agreement of the Board of Trustees of the district concerned and subject to the approval of the County Superintendent and the State Superintendent, the trustees of a district which may be unable to maintain a satisfactory school may transfer its entire scholastic enrollment, or any number of grades thereof, to a convenient state classified or accredited school, and in such event

all of the funds of the district including the state aid to which the district would otherwise be entitled under the provisions of this Act, or such proportionate part thereof as may be necessary, may be used in carrying out the said agreement; provided, that the scholastics so transferred shall be entitled, without the payment of other tuition, to the entire term maintained by the receiving district; and provided also that if any of the scholastic residents of the district are not so transferred, sufficient funds must be retained to provide them with school facilities for at least six months; and provided further, that if the districts consolidate during the year the consolidated district shall be entitled to consolidation aid as otherwise provided in this Act.

Sec. 11. It is hereby further provided that in consolidated districts formed under the provisions of this Act, with buildings and equipment approved by the State Superintendent, which shall maintain a four year high school employing not less than three teachers, including the principal, doing high school work exclusively, and whose valuations shall not be less than seven hundred fifty thousand (\$750,000.00) Dollars, may be granted out of the appropriations of this Act the sum of one thousand (\$1,000.00) dollars for each entire district included in said consolidation; consolidated districts formed under the provisions of this Act which shall maintain a three year high school, employing not less than two teachers, including the principal doing high school work exclusively, whose valuations shall not be less than Five Hundred Thousand (\$500,000.00) Dollars, may be granted out of the appropriations of this Act the sum of Six Hundred Dollars (\$600.00) for each entire district included in said consolidations; and consolidated districts formed under the provisions of this Act which shall maintain a two year high school, employing not less than one teacher doing high school work exclusively, and whose valuations shall not be less than Three Hundred Thousand Dollars (\$300,000.00) may be granted out of the appropriations of this Act the sum of Four Hundred Dollars (\$400.00) for each entire District included in said consolidation; provided that the amount of bonus herein authorized for each district shall in no case exceed Fifty Dollars (\$50.00) for each scholastic enumerated in each district

in the preceding scholastic census; provided such rural high school districts are units in a county wide system of such high school districts mapped and planned for the entire county under the direction of the County Board of School Trustees, approved by the State Superintendent of Public Instruction, provided, also, that nothing herein shall prohibit any one unit from receiving such aid on account of any other unit in said county failing to comply with this Act or to put in effect county-wide plans of consolidation; provided that any building constructed from the proceeds of bonds voted to accommodate the incomplete unit shall be located at the high school center previously designated by the county board for the entire unit; it is hereby further provided that if any additional district or districts be annexed to or consolidated with any existing high school unit, that there shall be granted out of the yearly appropriations of this Act the sum of five hundred (\$500.00) dollars for each such district annexed to or consolidated with such existing high school district. Provided further, should any district be annexed to or consolidated with a high school district in an adjoining county, a bonus shall be paid out of the yearly appropriations of this Act, the sum of five hundred dollars (\$500.00) for each original school district included in said consolidation or annexation that has not previously been granted a bonus for consolidation; and provided further that such plan of consolidation is agreed to by the boards of trustees of both counties involved and is ratified by the State Department of Education.

Sec. 12. Consolidated districts, formed in accordance with Section 11 of this Act, and all consolidations formed prior to September 1, 1931, and all other districts embracing territory in excess of fifty square miles, which make provision for transportation of pupils to and from schools at public expense, may be granted from this appropriation, a sum equal to one-half of the cost of transportation, not to exceed Four Hundred (400.00) Dollars for each automobile truck required, provided contracts for such transportation have been approved by the State Superintendent, provided there is levied and collected annually a tax of not less than seventy-five cents

on the One Hundred (\$100.00) Dollars of property valuation for school purposes in the entire district.

Sec. 13. Any school district which has a taxable valuation for school purposes of not to exceed One Million Dollars and any consolidated school district which has a taxable valuation for school purposes of not to exceed one and one-half million dollars and which levies and collects a local tax of one dollar (\$1.00) on the one hundred (\$100.00) dollar valuation of property, and which is maintaining a high school of fifty or more resident scholastics shall receive from the appropriations of this Act an amount equal to the state per capita apportionment for each resident high school pupil enrolled in school for that scholastic year.

Districts which have high schools of fewer than fifty resident high school pupils shall be eligible to receive this aid provided that the number of grades offered in such school shall not exceed one grade for each ten pupils enrolled in school. Provided, further that no school may receive more aid from this appropriation than is necessary to supplement the state and county available school funds, together with the local maintenance tax to provide a term of school of not to exceed nine months according to the schedule of teachers' salaries adopted by the State Board of Education and budget expense for such local maintenance approved by the State Department of Education;

Sec. 14. It is hereby expressly provided that an amount not to exceed Four hundred thousand (\$400,000.00) Dollars or so much thereof as may be necessary, of the appropriations made herein may be used each year of the biennium for tuition of rural high school pupils according to the provisions of Chapter 181 of the General Laws of the Fortieth Legislature, Regular Session, as amended by Senate Bill No. 10, passed at the First Called Session of the Forty-first Legislature; provided that nothing in this Act shall be construed as giving the district trustees control over the transfer of high school students.

Sec. 15. In all district that comply with the foregoing provisions of this Act and in addition thereto levy and collect a tax of One (\$1.00) dol-

lar on the one hundred (100.00) dollar valuation of property, and after provision is made for a term of six and one-half months on the ratio of the number of teachers provided for herein and on the basis of the salary schedule fixed by the State Board of Education, the proceeds of the local maintenance tax may be supplemented with sufficient amount from the appropriation provided herein to guarantee a local maintenance fund equal to one hundred twenty-five (\$125.00) dollars per teacher or as much thereof as may be necessary to maintain a term of not to exceed nine months.

Sec. 16. No aid shall be granted to any school under the provisions of this Act which is located within two and one-half miles of another school of the same race, unless on account of the conditions of the roads and other physical features, it is unreasonable and impracticable for the pupils to attend another school; provided that this restriction shall not apply to elementary schools in a consolidation formed under this or any subsequent Act not to any district which at some previous election has voted to remove such conditions by consolidation.

Sec. 17. It shall be the duty of the State Board of Education and it is hereby authorized to take such action and to make such rules and regulations not inconsistent with the terms of this Act as may be necessary to carry out the provisions and the intentions of this Act, and for the best interests of the schools for whose benefit the funds are appropriated. It shall be the duty of the State Superintendent to send one of the rural supervisors hereby authorized to make a thorough investigation in person of the grounds, buildings, equipment, teaching force, and financial condition of each school applying for aid; and no aid shall be granted unless it can be shown that 11 provisions of this Act and regulations made by the State Board of Education have been complied with, and that such amount of aid is actually needed.

Sec. 18. Warrants for all money granted under the provisions of this Act shall be transmitted by the State Superintendent of Public Instruction to treasurers of depositories of school districts to which state aid is granted in the same manner as

warrants for state apportionments are not transmitted, and it shall be the duty of all treasurers of depositories to make annually itemized reports under oath to the State Superintendent of Public Instruction of the expenditures of all money granted under the provisions of this Act.

Sec. 19. Rural schools accepting the provisions of this Act shall be entitled to share in the distribution of State and county available school funds and in all other school funds in the same manner as all other school districts; and in case high school grades are maintained, the community shall still be entitled to participate in the distribution of any state aid that may be extended by the Legislature of Texas for vocational or industrial purposes to high schools of the State; provided, however, that no school or school district shall be denied rural state aid for failure or refusal to buy any books, equipment, charts, and/or school supplies offered by any person, firm or corporation unless the minutes of the State Board of Education of Texas show that said books, equipment, charts and/or supplies were approved by a majority vote of said State Board of Education.

Sec. 20. All laws or parts of laws in conflict herewith are hereby repealed, in the event any provision of this Act is unconstitutional or invalid, the remainder of this Act shall, nevertheless, remain in effect.

Sec. 21. The fact that many schools in rural districts are in need of aid, and that public policy requires that proper provision be made for the maintenance and support of the schools with as little delay as possible, and the further fact that considerable time is required in preparation for carrying out the terms of this Act, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Senator Moore raised the point of order that the Conference Committee had never met and that the report was out of order.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point

of order on the ground that he could not go behind the Committee report.

House Bill No. 1053.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 1053, A bill to be entitled "An Act making an emergency appropriation of money to the State Treasurer; providing the purposes thereof, the means and manner of expenditure, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Beck the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 1053 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Stevenson.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Oneal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Poage.
Hardin.	Pollard.
Holbrook.	Purl.
Hopkins.	Rawlings.
Hornsby.	Russek.
Loy.	Small.
Martin.	Thomason.

Williamson.
Woodruff.

Woodul.
Woodward.

Absent—Excused.

Stevenson.

At Ease.

Senator Williamson moved to stand at ease.

Senator Moore raised the point of order that a motion to stand at ease was out of order and that it required unanimous consent to stand at ease.

Senator Williamson changed his motion to a request for unanimous consent which was granted.

Senate Bill No. 263.

The question recurred upon the Conference Committee report on S. B. No. 263.

Senator Pollard moved the previous question on the report. The motion failed to receive the proper seconding.

The report was adopted by the following vote:

Yeas—23.

Beck.	Parr.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
DeBerry.	Rawlings.
Gainer.	Small.
Greer.	Thomason.
Holbrook.	Williamson.
Hornsby.	Woodruff.
Loy.	Woodul.
Neal.	Woodward.
Oneal.	

Nays—5.

Hardin.	Purl.
Moore.	Russek.
Parrish.	

Absent.

Hopkins.	Martin.
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Absent—Excused.

Stevenson.

Messages from the House.

Hall of the House of Representatives,
Austin, Texas, May 22, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House

has concurred in Senate Amendments to H. B. No. 993 by a viva voce vote. The House has passed the following bill:

S. B. No. 628, A bill to be entitled "An Act to amend Article 602 of the Penal Code, as amended, making it an offense for any husband to willfully desert, neglect or refuse to provide for the support and maintenance of his wife, who may be in necessitous circumstances, or any parent who shall willfully desert, neglect, or refuse to provide for the support and maintenance of any child, under a certain age; prescribing fines, penalties, and punishment; and declaring an emergency."

(With amendments.)

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 22, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee Report on H. B. No. 805 by a vote of 70 yeas and 39 nays.

The House has adopted the Free Conference Committee Report on H. B. No. 457 by a vote of 101 yeas and 10 nays.

The House has passed the following bills:

S. B. No. 583, A bill to be entitled "An Act making appropriations to pay miscellaneous claims against the Treasury Department, and authorizing payment of said claims on the taking effect of this Act, and declaring an emergency."

(With amendments.)

S. B. No. 621, A bill to be entitled "An Act making an emergency appropriation out of the general revenue of the State for the purposes named herein, for the balance of the fiscal year ending August 1, 1931, and declaring an emergency."

S. B. No. 626, A bill to be entitled "An Act making an emergency appropriation out of any money in the State Treasury not otherwise appropriated to supplement appropriations heretofore made for the Judiciary Division of the State Comptroller's Department for the balance of the fiscal year ending August 31, 1931, and declaring an emergency."

Under authority of S. C. R. No.

50, the signatures of the House have been erased from S. B. No. 172 by Neal, and the bill is herewith returned to the Senate.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 22, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to H. B. No. 328 by a viva voce vote.

The House has adopted the Free Conference Committee Report on H. B. No. 215 by a vote of 106 yeas and 0 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 22, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee Report on S. B. No. 447 by a viva voce vote.

The House has adopted the Free Conference Committee Report on H. B. 748 by a viva voce vote.

The House has adopted the Free Conference Committee Report on S. B. No. 382 by a viva voce vote.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 22, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 509, A bill to be entitled "An Act to amend Section 12, Chapter 67, Acts of the Fifth Called Session of the Forty-first Legislature, being H. B. No. 10 of said Session, by providing that certain appropriations made therein may be used for support and maintenance and miscellaneous and contingent expenses for the operation of the Texas Prison System for the balance of the fiscal year ending August 31, 1931, and declaring an emergency."

(With amendments.)

S. B. No. 625, A bill to be entitled "An Act to create and establish San Antonio River Canal and Conservancy District under authority of Section 59 of Article XVI of the Constitution of Texas, to be a governmental agency, a body politic, municipal and corporate; also stating the intent and defining certain words and expressions as used in this Act, and declaring an emergency."

S. B. No. 585, A bill to be entitled "An Act creating the Board of Mansion Supervisors; providing for its authorities, powers, duties and functions; providing for the appointment terms of office and compensation of the members thereof; making necessary provisions for the carrying out of the purposes of this Act; and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Point of Order.

Senator Holbrook sent up the following written point of order:

To the Hon. Edgar E. Witt, Lieutenant Governor:

Mr. President: I raise the point of order that the Senate was automatically adjourned at 12 o'clock noon on this day. This by reason of the fact that this time set for adjournment has not been extended, and it is now 2:15 p. m.

HOLBROOK.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order.

House Bill No. 993.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 993, A bill to be entitled "An Act to amend Article 529 of the Penal Code, and declaring an emergency."

The committee amendment was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Purl the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 993 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Small.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Stevenson.

Read third time and finally passed.

S. C. R. No. 58.

Senator Russek sent up the following resolution:

Be it resolved by the Senate, House of Representatives, concurring, that the Governor return H. B. No. 520 to the Senate for further consideration.

RUSSEK.

Read and adopted.

Conference Committee Appointed.

The Chair announced the appointment of the following Conference Committee:

Senators Thomason, Cousins, Hopkins, Patton, and Neal.

Conference Committee Report.

Senator Thomason sent up the following Conference Committee report:

Committee Room,

Austin, Texas, May 22, 1931.

Hon. Edgar E. Witt, President of the Senate.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed respectively by the Senate and House to adjust the differences between said bodies on House Bill No. 748, beg leave to report that we have had the same under consideration and have adjusted said differences and report as follows:

House Bill No. 748 is adopted with the following amendment added at the end of Section 1

thereof; that is, the period at the end of Section 1 is changed to a semicolon and the following words are added:

"provided, however, that the terms and provisions of this Act shall not apply to the following counties: Aransas, Atascosa, Austin, Bandera, Bastrop, Bee, Blanco, Brown, Bosque, Brazoria, Burnett, Caldwell, Calhoun, Callahan, Chambers, Colorado, Cooke, Coryell, Commanche, Comal, Concho, Delta, DeWitt, Dimmit, Eastland, Edwards, Erath, Fayette, Ft. Bend, Franklin, Galveston, Gillespie, Goliad, Gonzales, Guadalupe, Hays, Hamilton, Hill, Hopkins, Jackson, Karnes, Kerr, Kendall, Kimble, Lamar, Lampasas, Lavaca, Live Oak, Llano, Mason, Matagorda, McCulloch, Menard, Medina, Mills, Montague, Real, Red River, Refugio, San Patricio, San Saba, Schleicher, Stephens, Tarrant, Throckmorton, Travis, Uvalde, Victoria, Waller, Washington, Wharton, Wilson, Wise, Zavala."

THOMASON,
NEAL,
COUSINS,
PATTON,

On the part of the Senate.

SANDERS,
JOHNSON of Dimmitt,
BROOKS,
LEE,
BOLD,

On the part of the House.
Read and adopted.

Conference Committee Report.

Senator Williamson sent up the following Conference Committee report:

Committee Room,
Austin, Texas, May 22, 1931.
Hon. Edgar E. Witt, President of the Senate.
Hon. Fred H. Minor, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee appointed to adjust the differences between the House and Senate on House Bill No. 805 have met and recommend the passage of the following attached bill.

WILLIAMSON,
PARRISH,
PURL,

On the part of the Senate.

BROOKS,
CARPENTER,
COX of Lamar,
RAY,

On the part of the House.

By Brooks.

H. B. No. 805.

A BILL To Be Entitled

An Act making appropriations to pay miscellaneous claims against the State and authorizing payment of said miscellaneous claims on taking effect of this Act, providing how such claims shall be paid, repealing certain appropriations made in S. B. No. 17, Acts of the Regular Session of the 42nd Legislature, and re-appropriating such item in this bill, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the following sums of money or so much thereof as may be necessary, be and the same are hereby appropriated to pay miscellaneous claims against the State of Texas as herein enumerated:

To pay A. W. Cunningham, Harlingen, Texas.

For services rendered as Judge of Criminal Judicial District of Nueces, Kleberg, Kenedy, Willacy and Cameron Counties..\$	211.15
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To pay Black, Sivalls & Bryson, Inc., Bartlesville, Okla.

For refund of double payment of State taxes paid on lot in Ranger, Texas	26.91
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To pay Mrs. F. S. Tippetts, Flat, Texas.

For refund of double assessment of State taxes	69.59
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To pay F. Q. Hughitt, Goldthwaite, Texas.

For refund of double payment of State taxes	53.00
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To pay L. R. Kershaw, Muskogee, Okla.

For refund of double payment of occupation oil tax of Upton County, Texas	218.13
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To pay Anna B. King, Muskogee, Okla. For refund of double payment of occupation oil tax of Upton County, Texas	123.79
To pay Ricker & Dodson, San Angelo, Texas. For refund of double payment of gross production tax	8.10
To pay F. A. Davenport, Waxahachie, Texas. For refund of double payment of State taxes	11.22
To pay D. E. Wyatt, New Boston, Texas. For refund of double payment of operating fee of the Mutual Life Ins., Association of Bowie County, Texas	22.00
To pay Annie Cook, C. C. C., Austin, Texas. For part expenditures in Texas extension teaching service for past 32 years, as full settlement	2,500.00
To pay Homer C. DeWolfe, Goldthwaite, Texas. For assisting in prosecution of parties charged with robbery with fire-arms. Appointed by Gov. Moody	300.00
To pay Eagle Printing Co., Bryan, Texas. For 250 copies books, mining reports for Board of Control	558.00
To pay Denison Cotton Mill Co., Denison, Texas. For refund of over-payment of franchise tax	344.40
To pay Stacy Co., Inc., Dallas, Texas. For refund of over-payment of state taxes	49.37
To pay The Barber Asphalt Co., 1600 Arch St., Philadelphia, Penn. For refund of over-payment of filing fee	2,500.00
To pay Southern Pacific Railway Co., Houston, Texas. For construction of tail track for the National Guard at Camp Palacios, Texas	2,042.96
To pay J. W. Adamson, Denison, Texas. For refund of over-payment of State taxes	6.90
To pay G. W. Witt, Cookeville, Texas. For payment of meadow and store-house damaged by fire due to maintenance forces burning grass on Highway No. 1	369.50
To pay B. C. Beasley, Bonham, Texas. For refund of overpayment of State taxes	53.84
To pay R. J. Flanagan, Sugarland, Texas. For payment of services rendered Texas Prison System as Farm Supervisor from February 1, 1930, to December 31, 1930	916.66
To pay R. S. & B. B. Windham, Rankin, Texas. For refund of over-payment of State taxes	77.76
To pay First State Bank, Texline, Texas. For payment of non-payment of gasoline tax refund warrant No. 34778	6.60
To pay D. H. Bell, Rusk, Texas. For refund of over-payment of State taxes	30.03
To pay Universal Life Insurance Co., Memphis, Tenn. For refund of over-payment of occupation tax	730.87
To pay Joseph P. Berger, Uvalde, Texas. For payment relative to non-payment of deficiency warrants Nos. 1072 and 2174	17.00
To pay Wm. Walterscheid, Muenster, Texas. For refund of double assessment of taxes	17.05
To pay Dr. Willis W. Waite, M. D., 522 Roberts-Banner Bldg., El Paso, Texas. For laboratory services rendered in investigating suspected epidemic of Bubonic plague at Midland, Texas, February, 1925	250.00
To pay Frank Cobble, Gainesville, Texas. For refund of over-payment of inheritance tax commission on the case of William Enderby, deceased	6.00

To pay Houston Land and Trust Co., Houston, Texas.	
For over-payment of inheritance tax in the case of Mrs. Matilda Francis, deceased, estate.....	100.00
To pay Will Reinhardt, Austin, Texas.	
For refund of over-payment of State Taxes.....	39.80
To pay City Marshal, Marshall, Texas.	
For payment of non-payment of gasoline tax warrant.....	22.84
To pay W. D. Bailey, c/o Ft. Worth Nat'l Bank, Ft. Worth, Texas,	
For payment of non-payment of gasoline tax warrant.....	10.68
To pay Mrs. Jackolena King, Batesville, Texas.	
For burning of her home by officials due to disinfecting.....	1,500.00
To pay Republic Production Co., Houston, Texas.	
For refund of over-production of filing fee.....	2,040.00
To pay C. A. Dahlich, Austin, Texas.	
For curtains for Life Insurance Commissioner's private office.....	66.40
To pay F. M. Getzendaner, Uvalde, Texas.	
For comptroller's deficiency warrant No. 1780 for witness fee.....	13.40
To pay R. C. Patterson, Carizzo Springs, Texas.	
For Comptroller's deficiency warrant No. 10939 for services rendered as a member of Texas State Textbook Board.....	47.47
To pay Grayburg Oil Co., San Antonio, Texas.	
For refund of over-payment of occupation tax.....	3,254.94
To pay Rio Grande Oil Co., El Paso, Texas.	
For refund of over-payment of occupation tax.....	1,059.84
To pay J. P. Trout, Bowie, Texas.	
For refund of overpayment of occupation tax.....	203.19
To pay Real Service Station, Amarillo, Texas.	
For refund of over-payment of occupation tax.....	196.00
To pay Sun Oil Co., First Nat'l Bank Bldg., Dallas, Texas.	
For refund of over-payment of filing fee.....	2,550.00
To pay W. L. Douglass Shoe Co., Brockton, Mass.	
For refund of over-payment of filing fee.....	1,670.00
To pay Alex. Sprunt & Son, Inc., Houston, Texas,	
For refund of over-payment of filing fee.....	1,540.00
To pay O. W. Blocker, New Boston, Texas,	
For commission in collecting delinquent taxes in the County of Bowie.....	2,000.00
To pay Anna C. Tobin, et al., Austin, Texas, Relating to the sale and condemnation of twenty-six acres of land in Austin, Texas, for the University of Texas Campus, as follows:	
To pay James Cavanaugh, Anna C. Tobin, in her own right, and as sole independent executrix of the last will of Mary Cavanaugh, deceased, and James Cavanaugh, Jr., \$15,895.00 as their respective interests may appear in full settlement and payment of their claim, and to pay Anna C. Tobin, \$10,000.00 in addition, in full payment of her claim, growing out of and relating to the condemnation of twenty-six acres of land in Austin, Texas, lying between 19th and 21st streets and between Speedway and Waller Creek, under the Act of the Legislature of 1921, S. B. No. 111, designating said twenty-six acres to be a part of the University of Texas Campus, said claim to be paid by warrant drawn by the Comptroller of Public Accounts, payable to all of them and when said claim has been receipted by all of them and filed with the said Comptroller, aggregating the sum of.....	25,895.00
To pay The Chicago, Rock Island & Gulf R. R. Co., Ft.	
For refund of over-payment of filing fees.....	400.00
To pay Economy Electrical Supply Co., Inc., Fort Worth, Texas.	
For payment of supplies sold to the State Prison System ..	27.99
To pay Consolidated Textile Corp., 86 Worth St., New York, New York.	
For refund of over-payment of filing fee.....	2,500.00

To pay Amerada Petroleum Corp., 65 Broadway, New York, N. Y.	
For refund of over-payment of filing fee	2,630.00
To pay J. S. Yeager, Putnam, Texas.	
For expenses while in employment of Highway Dept.	69.33
To pay Humble Oil & Refining Co., Houston, Texas.	
For over-payment of rent on State Land Lease	8,529.00
To pay Estate of Mrs. Maggie Brashear, Houston, Texas.	
For refund of over-payment of inheritance tax	2,624.18
To pay Galveston Electric Company, Galveston, Texas.	
For refund of over-payment of gross receipts tax	165.66
To pay Atlantic Life Insurance Co., Richmond, Va.,	
For refund of over-payment of occupation tax	2,850.66
To pay Texas Ice & Refrigeration Co., Ft. Worth, Texas.	
For refund of over-payment of franchise tax	613.33
To pay R. B. Wilkes, Bastrop, Texas.	
For over-payment of State taxes	135.50
To pay E. N. Kirby, Abilene, Texas.	
For non-payment of Comptroller's deficiency warrant	210.50
To pay The Prudential Insurance Co., New York, N. Y.	
For over-payment of State Taxes	40.21
To pay Claude M. McCallum, Dallas, Texas.	
For Non-payment of salary voucher	47.31
To pay Belle Welborn, Abilene, Texas.	
For non-payment of Comptroller's deficiency warrants Nos. 1421 and 1808—\$767.35, \$101.50, respectively	868.85
To pay Fulwiler Motor Co., Abilene, Texas.	
For nonpayment of Comptroller's deficiency warrant	223.50
To pay Acme Brick Co., Ft. Worth, Texas.	
For refund of excess franchise tax	2,373.75
To pay Fort Worth Freight Bureau, Ft. Worth, Texas.	
For refund of excess franchise tax	205.33
To pay Beaumont Export & Import Co., Beaumont, Texas.	
For refund of excess franchise tax	92.00
To pay American Printing Co., Temple, Texas.	
For typewriter purchased by State Mining Department	83.03
To pay E. F. Riedel, City purchasing agent, San Angelo, Tex.	
For gasoline for Federal Government airplanes	34.82
To pay Fort Worth, Textile Mills, Fort Worth, Texas.	
For refund of filing fee and franchise tax	2,743.00
To pay American Tank & Equip. Corp., Bartlesville, Okla.	
For refund of excess franchise tax	52.50
To pay B. C. Jones, Clarksville, Texas.	
For non-payment of deficiency warrant No. 2356	1,050.00
To pay Texas Electric Railway, Dallas, Texas.	
For over payment of gross receipts tax to the State	26,470.95
To pay Malone Filling Station, Malone, Texas.	
Refund of occupational tax on gasoline	1,493.62
To pay William H. Gray, Chicago, Illinois.	
Refund of ad valorem taxes paid on land that did not exist	84.70
To pay Swift and Company, Corpus Christi, Texas.	
Refund of over payment of ad valorem taxes	60.00
To pay R. H. Minton, Hemphill, Texas.	
Commission for collecting delinquent taxes	288.32
To pay Citizens National Bank of Marlin, Texas.	
For over payment of State taxes	914.00
To pay D. E. Smith and J. E. Ludeau of Harris County, Texas.	
For over payment of State taxes	97.12
To pay Jno. Wiebener, Alva, Oklahoma.	
For over payment of State taxes	120.76
To pay E. F. Elkin, Clerk in Comptroller's Department.	
For premium on surety bond required by Statutes	120.00

To pay Leroy McGlaum, cashier in Comptroller's Department.	
For premium on surety bond required by Statutes	50.00
To pay John T. King, National Militia Home, Leavensworth, Kan.	
For Twelve days service in State Militia	12.00
To pay The Estate of Mrs. Henrietta M. King.	
For refund of royalty paid to the State, by reason of permit No. 6492 illegally issued by the General Land Office on 1261 acres of land in Kleberg County, upon which the Attorney General Department of Texas filed a disclaimer on behalf of the State in R. J. Kleberg, et al, vs. Charles H. Flato and Humble Oil & Refining Company No. 393 in the District Court of Kleberg County, Texas, Twenty-eighth Judicial District	4,453.09
To pay Ernest Cox, Austin, Texas.	
For refund of money expended while manager at the State Orphans Home at Corsicana	1,182.35
To pay Mrs. S. S. Heard, San Antonio, Texas.	
For services as secretary to Mrs. J. E. King, Chairman of the Board of Supervisors of State Penitentiary	447.00
To pay E. B. Barnes, Austin, Texas.	
For balance of salary as secretary of the Industrial Accident Board	800.00
To pay Texas Bank & Trust Company, Austin, Texas.	
For Comptroller's deficiency certificate No. 2816	7,912.10
To pay Tom R. Hickman, Captain, Company B, Ranger Force, Forth Worth, Texas.	
For expenses while performing duties of office	14.65
To pay J. K. Beretta, San Antonio, Texas.	
For expenses in representing Governor Moody at the National Conference on Regulatory Air Laws	210.00
To pay Miss Maud Reichaw, Austin, Texas.	
For injuries received in collision with State Highway Truck, for settlement in full	500.00
To pay Charlie Workman, Decatur, Texas.	
For injuries received while working for the State Highway Department, for settlement in full	500.00
To pay A. A. Turner, Alpine, Texas.	
For examining trial in the Justice Court	25.00
To Pay E. O. Moffett, official court reporter, Ninety-fourth Judicial District.	
For services rendered in cause No. 32975, styled State of Texas vs. Anatasacio Vargas	90.00
To pay T. R. Esterling, Official Court Reporter, One-hundreth Judicial District.	
For services rendered in cause No. 581, styled State of Texas vs. Joe Dunwoody and cause No. 1505, styled State of Texas vs. Hes Tyler	90.00
To pay W. L. Futch, Coleman, Texas.	
For reward offered by Governor Moody for arrest and conviction of the murderer of J. A. Mitchell	250.00
To pay Clint D. Lewis, Caldwell, Texas.	
For reward offered by Governor Davidson for arrest and conviction of the murderer of Otto Lange	500.00
To pay J. Llewellyn.	
For services as special associate justice of the Ninth Court of Civil Appeals at Beaumont, Four days	55.52
To pay W. T. Davis.	
For services as special associate justice of the Ninth Court of Civil Appeals at Beaumont, four days	55.52
To pay The Texas Company.	
For judgment rendered in Cause No. 40901, styled State of Texas vs. R. L. Blaffer, et al.	6,681.05

To pay S. W. McCall, Judge of the Ninth Judicial District. Salary from January 31, 1930 to May 5, 1930	1,826.50
To pay Maryland Insurance Company of Delaware. For refund of over-payment of filing fees	25.00
To pay Niagara Fire Insurance Company. For refund of over-payment of filing fees	25.00
To pay First American Fire Insurance Company. For refund of over-payment of filing fees	25.00
To pay American Eagle Fire Insurance Company. For refund of over-payment of filing fees	25.00
To pay E. I. Dupont de Nemours & Company, of Delaware. For refund of over-payment of filing fees	2,600.00
To pay Darby Petroleum Company, of Delaware. For refund of over-payment of filing fees	2,550.00
To pay Mid-Kansas Oil & Gas Company, of West Virginia. For refund of over-payment of filing fees	2,040.00
To pay Benjamin Moore & Company of New Jersey. For refund of over-payment of filing fees	2,500.00
To pay Oil Well Supply Company, of Pennsylvania. For refund of over-payment of filing fees	1,690.00
To pay J. W. Rumbelow, Kountze, Texas. For refund of filing fee	25.00
To pay E. F. Vander Stucken, Sonora, Texas. For refund of over-payment of inheritance tax	2,113.42
To pay Aransas Compress Co., Corpus Christi, Texas. For refund of franchise tax	54.00
To pay Kate Beaty, District Clerk, Throckmorton, Texas. For Comptroller's deficiency certificate No. 2312, for serv- ices, fees in felony cases	18.00
To pay American National Bank, Austin, Texas. For Comptroller's deficiency certificate No. 1742, for serv- ices rendered by Kate Beaty, clerk of District Court of Throckmorton County, Texas, fees in felony cases	25.00
To pay Miss Maude Richow, Austin, Texas. For medical services and other expenses incurred by reason of injuries sustained when a State Highway truck collided with her automobile in which she, her sister and her mother were riding, said amount to be paid out of the highway fund of the State of Texas	194.15
To pay the County of Galveston For refund of State tax on mudshell, to be paid from sand, shell, and gravel funds	8,813.09
To pay City of Galveston For refund of State tax on mudshell, to be paid from sand, shell and gravel funds	2,284.00
To pay the County of San Patricio For refund of State tax on mudshell, to be paid from sand, shell and gravel funds	98.43
To pay the County of Harris For refund of State tax on mudshell, to be paid from sand, shell, and gravel funds	18,963.46
To pay City of Houston For refund of State tax on mudshell, to be paid from sand, shell and gravel funds	1,301.56
To pay City of Sinton For refund of State tax on mudshell, to be paid from sand, shell and gravel funds	181.65
To pay the City of San Antonio For refund of State tax on mudshell, to be paid from sand, shell and gravel funds	2,652.54
To pay City of Alvin For refund of State tax on mudshell, to be paid from sand, shell and gravel funds	81.41

To pay County of Chambers	
For refund of State tax on mudshell, to be paid from sand, shell and gravel funds	1,193.87
To pay County of Brazoria	
For refund of State tax on mudshell, to be paid from sand, shell and gravel funds	840.84
To pay City of Bellaire	
For refund of State tax on mudshell, to be paid from sand, shell and gravel funds	402.98
To pay The City of Beaumont	
shell and gravel funds	2,827.37
To pay the City of Corpus Christi	
For refund of State tax on mudshell, to be paid from sand, shell and gravel funds	756.39
For refund of State tax on mudshell, to be paid from sand,	
To pay the City of West University Place	
For refund of State tax on mudshell, to be paid from sand, shell and gravel funds	2,863.54
To pay the County of Nueces	
For refund of State tax on mudshell, to be paid from sand, shell and gravel fund	1,098.77
To pay the State Highway Department	
For refund of State tax on mudshell, to be paid from sand, shell and gravel funds	1,563.98
For the Texas Prison System	
To pay taxes on prison property, as follows:	
Madison County taxes for the years 1929 and 1930	476.71
Madison County school taxes for the years 1929 and 1930	324.30
Madison County school taxes for the year 1928	154.97
Freeport Independent School District bond taxes for the years, 1928, 1929, and 1930	89.93
Brazoria County taxes for the years 1929 and 1930	4,119.69
Brazoria County School bond taxes for the years 1929 and 1930	607.23
Harris County taxes for the years 1921 and 1930 inclusive	428.88
Walker County taxes for the years 1929 and 1930	1,253.98
Houston County taxes for the years 1929 and 1930	1,492.08
Weldon School District No. 71, in Houston County, taxes for the year 1930	162.51
Brazoria Independent School District taxes for the years 1929 and 1930	195.20
Bowie County taxes for the years 1928, 1929, and 1930	555.17
Bowie County school taxes for the year 1930	88.64
Fort Bend County taxes for the years 1928, 1929 and 1930	2,831.00
For the Texas Prison System to pay outstanding accounts as follows:	
Imperial Garage, Sugarland, Texas	5.50
Lipscomb Motor Company, Trinity, Texas	293.27
C. Jim Stewart & Stevenson, Houston, Texas	65.43
Standard Brands, Incorporated, Dallas, Texas	9.90
Woodson Lumber Company, Madisonville, Texas	98.51
Armstrong Packing Company, Dallas, Texas	1,315.49
Ernest & Ernest, Accountants and Auditors Houston, Texas	397.39
Forster Martin Seed Company, Houston, Texas	84.00
Griffith Drug Company, Austin, Texas	69.04
Gullett Gin Company, Amite, La.	166.23
Peden Company, Houston, Texas	40.67
R. M. F. Motor Company	10.75
Richmond Motor Company, Richmond, Texas	4.13
Texas Poultry & Feed Company, Huntsville, Texas	98.00
Ellis Armonds, Weldon, Texas	36.99
J. C. Faickney, Angleton, Texas	63.55
Southwest Drug Corporation, Houston, Texas	27.45

To pay The Magnolia Petroleum, Dallas, Texas	
For account against the Railroad Commission, to be paid out of the Oil and Gas Fund	516.45
To pay Goliad Lumber Company, Goliad, Texas	
For material furnished Fannin State Park	200.00
To pay Southwestern Bell Telephone Company, Houston, Texas	
For account against San Jacinto Battle Ground	13.88
To pay Ernest R. Tennant, Treasurer of Dickerson Colored Orphanage, Inc.	
For labor and supplies furnished Orphans' Home for Colored from April 1, 1929 to September 1, 1929	3,533.00
To pay Fidelity Union Casualty Company, Dallas, Texas	
Balance for final estimate on Girls' Training School at Gainesville	357.28
To pay Gulf Refining Company, Houston Texas	
For account against San Jacinto State Park	37.36
To pay South Texas Implement and Machinery Company Houston, Texas	
For account against San Jacinto State Park	92.32
To pay Sharp and Dohme, Philadelphia, Pa.	
For antigen supplies furnished the Live Stock Sanitary Commission	20.00
To pay Charles Maloney, Haslet, Texas	
For tubercular cattle slaughtered	664.19
To pay Frank Schofield, Hillsboro, Texas,	
For tubercular cattle slaughtered	136.81
To pay Dr. P. L. Guffin, Austin, Texas	
For services rendered the Negro Deaf, Dumb, and Blind Institute	32.00
To pay Dr. R. H. Bell, Palestine, Texas,	
For refund of inheritance tax paid to the State in the settlement of the estate of Dr. L. F. Bell	1,493.30
To pay the International Great North Railway Company	
Balance of charges on freight bill No. 5119 dated August 7, 1926 on a car shipment from Austin to Lake Wichita	181.67
To pay the International Great Northern Railway Company	
Account of freight and demurrage bill B73 in the handling and transporting of cowboy statues placed on the Capitol campus	88.00
To pay San Antonio Public Service Company, San Antonio Texas,	
Refund on gross receipts tax	1,516.59
To pay United Cigar Stores	
For over-payment of filing fees	2,440.09
To pay Congoleum-Nairn, Incorporated, New York,	
For refund of over payment of filing fees	5,880.00
To pay Pittsburg Plate Glass Co., Pittsburg, Penn.,	
For refund of over-payment of filing fees	2,500.00
To pay Association Oil Company, California,	
For refund of over-payment of filing fees	2,500.00
To pay Phillips Petroleum Company, Delaware,	
For refund of over-payment of filing fees	2,440.09
To pay Prairie Oil & Gas Co., Kansas,	
For refund of over-payment of filing fees	2,500.09
To pay Prairies Pipe Line Company, Kansas,	
For refund of over-payment of filing fees	2,500.00
To pay Pure Oil Pipe Line Company, Texas	
For refund of over-payment of filing fees	200.00
To pay Skelly Oil Company, Delaware,	
For refund of over-payment of filing fees	3,120.00
To pay Vacuum Oil Company, New York,	
For refund of over-payment of filing fees	2,500.09

To pay American Book Company, New York, For refund of over-payment of filing fees	2,500.00
To pay MacMillan Company, New York, For refund of over-payment of filing fees	1,990.00
To pay Transcontinental Oil Company, Pittsburg, Penn., For refund of over-payment of filing fees	2,500.00
To pay Rosenbaum Grain Corporation, Illinois, For refund of over-payment of filing fees	50.00
To pay S. F. Bowser & Company, Inc., Indiana, For refund of over-payment of filing fees	50.00
To pay National Cotton Seed Products Corporation, Tennessee, For refund of over-payment of filing fees	50.00
To pay Fleischmann Company, New York, For refund of over-payment of filing fees	100.00
To pay Southern United Ice Company, Missouri, For refund of over-payment of filing fees	140.00
To pay Eureka Vacuum Cleaner Company, Michigan, For refund of over-payment of filing fees	50.00
To pay Louisiana Oil Refining Company, Louisiana, For refund of over-payment of filing fees	50.00
To pay Dayton Scale Company, Ohio, For refund of over-payment of filing fees	50.00
To pay Piggly-Wiggly Stores, Inc, Ohio, For refund of over-payment of filing fees	50.00
To pay Noble Oil & Gas Company, Oklahoma, For refund of over-payment of filing fees	100.00
To pay Certain-teed Products Corporation, New York, For refund of over-payment of filing fees	50.00
To pay Continental Gin Company, Alabama, For refund of over-payment of filing fees	4,090.00
To pay Frick-Reid Supply Corporation, Oklahoma, For refund of over-payment of filing fees	50.00
To pay Arkansas National Gas Corporation of Louisiana, For refund of over-payment of filing fees	2,550.00
To pay Standard Sanitary Manufacturing Company, Penn- sylvania, For refund of over-payment of filing fees	5,050.00
To pay Investors Mortgage Security Co., Edinburg, Scotland, For refund of over-payment of filing fees	1,140.00
To pay Butler Brothers, Dallas, Texas, For refund of over-payment of filing fees	150.00
To pay Graham Paper Company, Missouri, For refund of over-payment of filing fees	580.00
To pay Brunswick-Balke-Collender Company, Illinois, For refund of over-payment of filing fees	2,600.00
To pay Hercules Powder Company, Delaware, For refund of over-payment of filing fees	2,500.00
To pay Fort Worth Power & Light Co., Fort Worth, Texas For refund of over-payment of filing fees	2,340.00
To pay H. J. Heinz Company, Pennsylvania, For refund of over-payment of filing fees	7,500.00
To pay Humble Pipe Line Company, Houston, Texas, For refund of over-payment of filing fees	5,160.00
To pay Humble Oil and Refining Company, Houston, Texas, For refund of over-payment of filing fees	7,500.00
To pay Texas Pipe Line Company, Houston Texas, For refund of over-payment of filing fees	2,500.00
To pay Texas Company, Houston, Texas. For refund of over-payment of filing fees	10,050.00
To pay Texas Pacific Coal & Oil Company, Thurber, Texas, For refund of over-payment of filing fees	36,670.00
To pay Newark Shoe Stores, Inc., (Formerly M. Samuals & Co.) of Delaware, For refund of over-payment of filing fees	900.00

To pay Stone & Webster Incorporated, Massachusetts, For refund of over-payment of filing fees	3,550.00
To pay Snowden & McSweeney Company, Delaware, For refund of over-payment of filing fees	1,280.00
To pay Tom F. Reese, Comanche, Texas, For fees for examining trials and felony cases	115.00
To pay Cladwell-Guadalupe Pick-Up Station, Luling, Texas, For refund of gross Receipts tax	1,606.69
To pay D. R. Sewell, Jacksboro, Texas, For special Warrant No. 59831 to be paid out of the Gasoline Tax Fund	27.00
To pay C. O. Moore, Austin, Texas, For expenses incurred in going after and returning fugitives out of the State, to be paid when proper certificates from the Government are furnished to the Comptroller	552.00
To pay W. W. Wade, Huntville, Texas, For expenses incurred in going after and returning Fugitives of the State to be paid when proper certificates from the Governor are furnished to the Comptroller	229.55
To pay Bealle Hardware Company, Greenville, Texas, For refund of Franchise Tax paid after Charter expired	17.50
To pay Coolidge Drug Company, Coolidge, Texas, For refund of Franchise Tax after Charter expired	23.50
To pay C. F. Braun and Company, California, For overpayment of Filing Fees	897.90
To pay Houston Car Wheel and Machine Company, Houston, Texas, For refund of over-payment of Franchise Tax	269.00
In lieu of the appropriation heretofore made in the Judiciary Appropriation Bill of \$3,500.00 for the purposes named below, which was made available Sept. 1, 1932, which is hereby appropriated to said sum of \$3,500.00 for new carpet, electric fans, light fixtures, repairs, renovation and changes in Supreme Court room furniture, which appropriation shall be available Sept. 1, 1931.	
To pay Texas Louisiana Nower Company for services rendered the State of Texas at the State Juvenile Training School at Gatesville	2,411.36
To pay John T. Carlisle, Giddings, Texas, For extradition expense for out-of-state trips for fugitives	285.08
To pay Geo. T. Bevel, Pittsburg, Texas, For extradition expense for out-of-state trips for fugitives	184.84
To pay G. H. Horn, Baird, Texas, For attaching out-county witnesses	20.00
To pay W. Frank Edmondson, Vernon, Texas, For extradition expense for out-of-state trips for fugitives	140.46
To pay T. H. Garner, Beaumont, Texas, For extradition expense for out-of-state trips for fugitives	407.36
To pay L. V. Hightower, Liberty, Texas, For extradition expense for out-of-state trips for fugitives	46.67
To pay S. H. Hall, Hemphill, Texas, For extradition expense for out-of-state trips for fugitives	370.94
To pay D. M. Hassler, Stephenville, Texas, For extradition expense for out-of-state trips for fugitives	370.94
To pay C. S. Looney, Cisco, Texas, For extradition expense for out-of-state trips for fugitives	43.70
To pay V. Y. Sadler, Stanton, Texas, For service rendered in-county	686.20
To pay J. B. Self, Seymour, Texas, For services rendered in-county	922.95
To pay David Terry, Fairfield, Texas, For extradition expense for out-of-state trips for fugitives	294.00
To pay Ate Reece, Gainesville, Texas, For extradition expense in returning fugitives from Chicago, Ill., to Cooke County, Texas,	166.43

To pay J. W. Stewart, Corsicana, Texas.	
For extradition expense in returning fugitives from Key West, Fla., to Navarro County, Texas.....	347.10
To pay Love Kimbrough, Brady, Texas.	
For extradition expense in returning fugitives from San Bernadino, Calif., to McCullough County, Texas.....	156.87
To pay A. B. McKenzie, Groesbeck, Texas.	
For extradition expense in taking prisoners from Limestone County to State Prison	60.20
To pay United State Rubber Company, of New Work.	
For refund of over-payment of filing fees.....	2,500.00
To pay Clark Dredging Company of Galveston, Texas.	
For refund on over-payment of franchise tax.....	321.00
To pay City National Bank of Mineral Wells, Texas.	
For refund of over-payment of franchise tax	50.00
To pay State National Bank of Mineral Wells, Texas.	
For refund of over-payment of franchise tax	50.00
To pay Wichita Falls Oxygen Company, S. R. Hoard, J. H. Allison, C. C. Caviness, and R. O. Kenley, of Wichita County, Texas.	
For refund of franchise tax paid to Secretary of State.....	45.60
To pay R. D. Shumate, of Stanton, Martin County, Texas.	
For deficiency Certificate No. 29, issued by the Comptroller's Department on April 27th, 1931, for attached witness fees	52.05
To pay Westex Oil Company of Amarillo, Texas, J. Ray President.	
For refund of production tax	7,424.94
To pay The following list of Milk Claims of Galveston, Harris and Brazoria Counties for loss of milk due to condemnation of cattle, to be accepted as full settlement:	
Mrs. E. H. Albright, Arcadia, Texas.....	375.00
J. M. Alden, Genoa, Texas	45.00
Chas. N. Allen, Genoa, Texas	67.50
Z. M. Almon Algoa, Texas	93.75
J. L. Anderson, South Houston, Texas	135.00
Stanley D. Anthony, Genoa, Texas	112.50
W. A. Baty Arcadia, Texas	90.00
R. W. Bell, South Houston, Texas	36.75
W. M. Brusard, South Houston, Texas	36.75
L. B. Bishop Arcadia, Texas	45.00
Mrs. U. E. Bond, South Houston, Texas	90.25
Gus Borm, Alvin, Texas	67.50
H. W. Boehm, Genoa, Texas	45.00
B. Cedillo, South Houston, Texas	40.50
Edgar Chiles Arcadia, Texas	337.50
John J. Campbell, Algoa, Texas	27.50
C. D. Crawford, Genoa, Texas	36.75
Mrs. J. Denham South Houston, Texas	61.88
W. C. Davis, South Houston, Texas	40.50
T. J. Shannon, Arcadia, Texas	243.75
C. L. Smith, Algoa, Texas,	102.50
Mrs. M. M. Straughn South, Houston, Texas,.....	102.25
C. R. Thomas, Springdale, Ark., R. R. No. 4,	281.25
J. W. Tambarello, Alta Loma, Texas,	225.00
Robt. Thompson, Alta, Loma, Texas,	67.50
Albert Trantow, Alvin, Texas,	178.13
Fred Trantow, Algoa, Texas,	43.38
Mrs. J. E. Travis, Arcadia, Texas,	25.13
Frank Treska, Alvin, Texas,	142.13
H. J. Tullis, Genoa, Texas,	67.50
J. B. Tullis, Genoa, Texas,	102.50
A. Tully, Arcadia, Texas,	37.50
C. E. Vawter, Genoa, Texas,	90.00

C. H. Van Natter, South Houston, Texas,	67.50
R. E. Ward, Alvin, Texas,	103.13
Jennie Gray Ward, Alvin, Texas,	33.75
R. M. West, Freeport, Texas,	337.50
H. T. Wingren, Genoa, Texas,	67.50
W. O. Weiting, Alvin, Texas,	38.81
G. H. Youngblood, Alta Loma, Texas,	372.75
B. F. Williams, Pasadena, Texas,	25.00
Mrs. A. L. Pomeroy, Pasadena, Texas,	25.00
W. L. Walker, Arcadia, Texas,	562.50
Mrs. Nina R. Wiegand, Dickerson, Texas,	720.00
M. D. McLendon, Genoa, Texas,	1,500.00
Mrs. H. W. Baty, Arcadia, Texas,	596.00
J. M. Tacquard, Alvin, Texas,	1,500.00
G. H. Remmers, Algoa, Texas,	495.42
B. F. Schulze, Arcadia, Texas,	750.00
W. H. Brockman, Admr. Bird Est., Alta Loma,	562.50
Guy Moore, Arcadia, Texas,	525.00
J. E. Gilbert, Arcadia, Texas,	450.00
Lee Chiles, Arcadia, Texas,	513.75
J. G. Meek, Arcadia, Texas,	593.68
Edwin Shock, Alvin, Texas,	806.25
G. C. Schmidt, Arcadia, Texas,	533.63
B. H. Leining, Dickerson, Texas,	590.63
Leary Bros., Arcadia, Texas,	706.13
Alex Birrell, La Port, Texas,	393.75
M. Shop, Genoa, Texas,	405.00
F. Molk, Houston, Texas, Gen. Delivery	1,012.50
J. A. Moore, Arcadia, Texas,	787.50
Wm. Holloway, Arcadia, Texas,	393.75
H. E. Stockwell, Arcadia, Texas,	675.00
Mrs. Mary D. McClain, Harrisburg, Texas,	543.75
J. A. Palmer, Algoa, Texas,	661.25
J. A. Asberg, Arcadia, Texas,	393.75
T. C. Scruggs, Algoa, Texas,	393.75
W. D. Burns, Alta Loma, Texas,	472.50
John Clutter, Algoa, Texas,	487.50
J. H. Cox, Arcadia, Texas,	436.50
J. W. Leary, Arcadia, Texas,	426.00
A. A. Lock, Arcadia, Texas,	450.00
Poul Florea, Algoa, Texas,	956.25
V. A. Palmero, Arcadia, Texas,	150.00
Mrs. L. Myles, Arcadia, Texas,	258.75
Wm. Schoenfeldt, Arcadia, Texas,	168.75
Olaf Larsen, Alta Loma, Texas,	45.00
F. W. Jackson, (Mrs.) Arcadia, Texas,	271.88
C. E. Holbert, Arcadia, Texas,	187.50
A. W. Harris, Arcadia, Texas,	281.25
H. Gigstad, Pasadena, Texas,	102.50
Mrs. Fred Grothgar, Alta Loma, Texas,	168.75
James Edwards, Algoa, Texas,	337.50
Mrs. M. E. Dent, Arcadia, Texas,	75.00
E. M. Cole, Arcadia, Texas,	67.50
J. B. Cox, Arcadia, Texas,	315.00
Mrs. John Baty, Arcadia, Texas,	201.75
W. S. Blakesly, Pasadena, Texas,	337.50
Mrs. L. M. Keizer, South Houston, Texas,	36.77
S. W. Kennedy, South Houston, Texas,	36.75
H. S. Keeling, Algoa, Texas,	91.50
Mrs. T. J. Kimmerling, Hitchcock, Texas,	135.00
G. O. Knight, Alvin, Texas,	337.50
F. Kubin, Alvin, Texas,	138.38
Mrs. B. F. Lilley, Algoa, Texas,	78.75

J. A. Linkey, Arcadia, Texas	300.00
A. W. Lock, Arcadia, Texas	289.13
Mrs. Ida McGowen, Genoa, Texas	157.50
J. T. McGee, Algoa, Texas	168.75
C. H. McDawchlin, Genoa, Texas	22.50
E. P. McGowen, Genoa, Texas	45.00
Mrs. W. M. McPeters, Arcadia, Texas	352.50
Howard McWhorter, South Houston, Texas	36.75
George Milloux, Arcadia, Texas	67.50
Geo. Meadows, Arcadia, Texas	22.50
E. C. Murdock, Arcadia, Texas	37.50
Mrs. Jesse G. Murray, South Houston, Texas	28.13
Fred Nelson, Alta Loma, Texas	78.75
Mrs. J. W. Neschbya, Arcadia, Texas	337.50
G. L. Nueman, Dickerson, Texas	28.13
Mrs. A. D. Orem, Arcadia, Texas	231.00
E. A. Powers, Arcadia, Texas	281.25
Mrs. C. Palmo, Arcadia, Texas	93.75
F. S. Pourchot, Arcadia, Texas	33.88
John Pistone, Alta Loma, Texas	135.00
G. M. Rymal, Algoa, Texas	78.75
Joe Riggio, Alta Loma, Texas	90.00
A. E. Schuld, Arcadia, Texas	215.63
Geo. Schmidt, Alta Loma, Texas	180.00
Dr. Herbert F. Saunders, Arcadia, Texas	36.75
W. C. Shannon, Arcadia, Texas	46.98
A. E. Day, Arcadia, Texas	28.13
J. E. Dodd, South Houston, Texas	36.75
W. H. Dudley, South Houston, Texas	36.75
Duez Bros., Dickerson, Texas	305.63
W. C. Dyer, Arcadia, Texas	52.50
W. F. Dyer, Arcadia, Texas	150.00
C. H. Evans, Arcadia, Texas	21.75
S. E. Farquhar, Genoa, Texas	112.50
T. H. Florida, Arcadia, Texas	52.50
Mrs. Lillian H. Florea, Algoa, Texas	219.38
R. G. Ford, South Houston, Texas	56.25
Mrs. J. E. Franks, Arcadia, Texas	36.75
B. L. Franke, Genoa, Texas	78.75
Mrs. T. F. French, Arcadia, Texas	206.25
H. C. Gatton, South Houston, Texas	36.75
Mrs. L. V. Garrett, Algoa, Texas	67.50
G. S. Beaver & J. S. Gibson, Arcadia, Texas	140.30
J. J. Ginn, Algoa, Texas	67.50
J. G. Goddard, Algoa, Texas	75.00
E. E. Hall, Genoa, Texas	90.00
W. E. Hall, Algoa, Texas	37.50
Chas. Hana, Algoa, Texas	45.00
J. T. Hill, Arcadia, Texas	168.75
Mrs. M. T. Hill, Arcadia, Texas	225.00
C. Hillerman, Arcadia, Texas	112.50
W. S. Hodges, Arcadia, Texas	119.25
L. O. Hooper, Algoa, Texas	36.75
Sophia Dibbern, South Houston, Texas	33.75
Mrs. Joseph Schlurter, South Houston, Texas	101.25
Arthur Preece, South Houston, Texas	22.50
C. E. Johns, Arcadia, Texas	168.75
Arthur Jones, Genoa, Texas	36.75
Mrs. Stella Jones, Genoa, Texas	33.75
J. S. Jones, Algoa, Texas	36.75
Jacob Brittnacher, League City, Texas	236.25
Joe Brittnacher, League City, Texas	102.50
F. A. Bauscus, Arcadia, Texas	135.00

John Brittnacher, League City, Texas	169.13
A. Auk, Algoa, Texas	102.50
W. S. Parks, Pasadena, Texas	202.50
R. E. Pollinard, Arcadia, Texas	56.25
Axel Peterson, South Houston, Texas	84.38
John Railano, Alta Loma, Texas	281.25
John Rezek, Algoa, Texas	56.50
R. T. Sanner, Arcadia, Texas	73.13
Mrs. M. E. Stavely, Arcadia, Texas	112.50
G. A. Grimes, Arcadia, Texas	56.25
Evans Franks, Arcadia, Texas	135.00
O. B. Glazener, South Houston, Texas	67.50
Henry Mackay, Algoa, Texas	67.50
J. A. Sandestrom, Arcadia, Texas	531.56
Mrs. C. F. Beusch, Pasadena, Texas	205.92
Mrs. Mary Edming, Pasadena, Texas	121.50
J. E. Endicott, Pasadena, Texas	216.90
Oscar Kruze, Pasadena, Texas	570.94
S. Garnauch, Pasadena, Texas	393.12
Charlse E. Syfan, Pasadena, Texas	1231.80

Grand Total Miscellaneous Claims\$393,452.53

Sec. 2. That the State Comptroller of the State of Texas is hereby authorized and directed to issue a warrant on the State Treasury in favor of each of the persons, firms or corporations amounts due named hereinabove for the amounts set opposite their respective names, and shall mail or deliver to each of said persons, firms or corporations at their said respective addresses warrant or warrants in payment of said claim or claims, provided, that such claim or claims are affirmatively proven by satisfactory affidavits to be just and owing such claimant or claimants, provided that where any money herinabove appropriated to pay claims of persons or firms, where the money collected was deposited to a special account of a particular department, the amount herein appropriated shall be paid out of the respective fund to which the same was deposited.

Sec. 3. The fact that many of the items of this bill should be paid as promptly as possible creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be, and the same is hereby suspended and that this act shall take effect and be in force from and after its passage, and it is so enacted.

Read and adopted by the following vote:

Yeas—25.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Small.
Holbrook.	Rawlings.
Hopkins.	Russek.
Hornsby.	Small.
Martin.	Thomason.
Moore.	Williamson.
Neal.	Woodul.
Parr.	Woodward.

Nays—3.

DeBerry.	Woodruff.
Loy.	

Present—Not Voting.

Cunningham.	Oneal.
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Absent—Excused.

Stevenson.

House Bill No. 73.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Shelton:

H. B. No. 73, A bill to be entitled "An Act providing for the regulation of gins, ginners; ginning; the licensing of ginners; providing for proper packing, wrapping, marking, and providing for weighing of seed cotton,

lint cotton, and cotton seed, and keeping a record of the same; providing for the collection of license fees to be used by the Commissioner of Agriculture for the enforcement of this act, etc., and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by unanimous consent.

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Loy, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 73 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Small.
Holbrook.	Rawlings.
Hopkins.	Russek.
Hornsby.	Small.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Present—Not Voting.

DeBerry.

Absent—Excused.

Stevenson.

Read third time and finally passed.

Motion to Concur.

On motion of Senator Williamson, the Senate concurred in house amendments to S. B. No. 628.

House Bill No. 539.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Westbrook and Mr. Olsen:

H. B. No. 539, A bill to be entitled "An Act requiring the Commissioner of Agriculture to gather, compile and disseminate statistical information relating to farm areas, crop acreages, natural resources and product thereof; providing that tax assessor collect such information under direction of the

Commissioner of Agriculture; providing that the Commissioner of Agriculture furnish blank to assessors and the time to furnish, etc., and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Poage, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 539 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
Gainer.	Pollard.
Creer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Present—Not Voting.

DeBerry.. Oneal.

Absent—Excused.

Stevenson.

Read third time and finally passed.

House Bill No. 419.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Tarwater and Mr. Engelhard:

H. B. No. 419, A bill to be entitled "An Act amending Chapter 7, Title 93, of the Revised Civil Statutes of 1925, as amended by Acts of Regular Session of the Forty-first Legislature, by adding the following new articles numbered as follows: Articles 5736a, 5736b, 5736c, 5736d and 5736e, establishing Babcock test as official dairy test for butter fat; providing for methods of operating said test, etc., and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Parrish, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 419 was put on

its third reading and final passage, by the following vote:

Yeas—25.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

Nays—3.

DeBerry.	Martin.
Holbrook.	

Absent.

Hopkins.	Purl.
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Absent—Excused.

Stevenson.

Conference Committee Report.

Senator Martin sent up the following conference committee report:

Committee Room,
Austin, Texas, May 22, 1931.
Hon. Edgar E. Witt, President of the Senate,
Hon. Fred H. Minor, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to consider the differences between the two Houses on House Bill No. 457, "An Act to amend Article 3153 and 3152, Revised Statutes of 1925, relating to contests of nominations for office in primary elections, so as to provide for an appeal to the Court of Civil Appeals from the judgment of the District Court or Judge in all cases of such contests; and declaring an emergency," have met and, after full and free conference, have agreed to make and do make the following recommendations:

First, That the Senate recede from its amendment No. 1 which is as follows:

Read third time and finally passed.

"Amend House Bill No. 457 by adding a new section to be known as Section 2a:

Section 2a. That Article 3109 of the

Revised Civil Statutes of 1925 be amended so as to hereafter to read as follows:

"Art. 3109: Ballot at Primaries. The vote at all general primaries shall be by official ballot, which shall have printed at the head the name of the party, and under such head the names of all the candidates, those for each nomination be arranged in the order determined by the various committees as herein provided for, beneath the title of the office for which the nomination is sought. The voter shall erase or mark out all names he does not wish to vote for. The official ballot shall be printed in black ink upon white paper, and beneath the name of each candidate thereon for State and District offices there shall be printed the county of his residence. The official ballot shall be printed by the county committee in each county, which shall furnish to the presiding officer of the general primary for each voting precinct at least one and one-half times as many of such official ballots as there are poll taxes paid for such precinct, as shown by the tax collector's list. Where two or more candidates are to be nominated for the same office, to be voted for by the qualified voters of the state or of the same district, county or precinct, such candidates shall be voted for and nominations made separately, and all nominations shall be separately designated on the official ballots by numbering the same "1" "2" "3" Etc., printing the word "No." and the designating number after the title of the office for which such nominations are to be made. Each candidate for such nominations shall designate in the announcement of his candidacy, and in his request to have his name placed on the official ballot, the number of the nominations for which he desires to become a candidate, and the names of all candidates so requesting shall have their names printed beneath the title of the office and the number so designated. Each voter shall vote for only one candidate for each such nomination."

Second, That the Senate recede from its second amendment which is as follows:

"Amend the caption by inserting immediately before the words, "and declaring an emergency," the following: "and amending Article 3109 so as to make the same applicable to state offices."

Third, That the bill be finally passed as passed by the House.

ADAMS of Jasper,
COOMBES,
BURNS of Walker,
YOUNG,
GILBERT,

On the part of the House.

COUSINS,
CUNNINGHAM,
MARTIN,

On the part of the Senate.

Read and adopted.

Motion to Concur.

On motion of Senator Holbrook, the Senate concurred in house amendments to S. B. No. 583 by the following vote:

Yeas—25.

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Poage.
Greer.	Pollard.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Present—Not Voting.

DeBerry.	Purl.
Oneal.	Woodruff.

Absent.

Beck.

Absent—Excused.

Stevenson.

Conference Committee Report.

Senator Martin sent up the following conference committee report:

Committee Room,
Austin, Texas, May 19, 1931.
Hon. Edgar E. Witt, President of the Senate,
Hon. Fred Minor, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to consider the difference between the two Houses on S. B. No. 382, A bill to be entitled "An Act to amend Article 6228 of Title 109 of the Revised Civil Statutes of

Texas, 1925; and declaring an emergency."

Having met and after full and free conference have agreed to make and do make the following recommendations, to-wit:

1. We recommend that House Amendment No. 1, be not adopted, but in lieu thereof in line 33, page 1 of the printed House Bill the words "one year" be stricken out and the words "two years" be substituted.

2. We recommend that line 39 of printed House Bill be stricken out and the following be inserted:

"Second: For length of residence in the State, her present residence, and residence during each of the previous five years."

3. We recommend that House Amendment No. 2 be not adopted, but that in lieu thereof on page 2, lines 23 and 24 of printed House Bill, the words and figures, "Twenty (\$20.00) Dollars for each child" be stricken out, and the words and figures, "Fifteen (\$1500) Dollars for one child, and Six (\$6.00) Dollars additional for each other child" be substituted.

4. We recommend that House Amendment No. 3 be not adopted.

WAGSTAFF,
RATLIFF,
PETSCH,
MOORE,

On the part of the House.

THOMASON,
NEAL,
CUNNINGHAM,

On the part of the Senate.

Read and adopted.

House Bill No. 377.

The Chair laid before the Senate on its third reading the following bill:

By Mr. Bond:

H. B. No. 377, A bill to be entitled "An Act amending Article 2451, 1925 Civil Statutes, so as to provide that judgments will not become dormant where execution has issued on such judgments within ten years after a judgment was rendered, and declaring an emergency."

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Greer.
Berkeley.	Hardin.
Cousins.	Holbrook.
Cunningham.	Hopkins.
Gainer.	Hornsby.

Loy.	Pollard.
Martin.	Rawlings.
Moore.	Russek.
Neal.	Small.
Parr.	Thomason.
Parrish.	Williamson.
Patton.	Woodul.
Poage.	Woodward.

Present—Not Voting.

DeBerry.	Purl.
Oneal.	Woodruff.

Absent—Excused.

Stevenson.

House Bill No. 904.

Senator Woodul called up from table the following bill:

H. B. No. 904, A bill to be entitled "An Act amending Article 2688 Revised Statutes of Texas, 1925, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Woodul, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 904 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Poage.
Greer.	Pollard.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodul.
Moore.	Woodward.

Present—Not Voting.

DeBerry.	Purl.
Oneal.	Woodruff.

Absent—Excused.

Stevenson.

Read third time and finally passed.

Motion to Concurr.

On motion of Senator Patton, the Senate concurred in house amendments to S. B. No. 509 by the following vote:

Yeas—26.

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Poage.
Greer.	Pollard.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodul.
Moore.	Woodward.

Present—Not Voting.

DeBerry.	Purl.
Oneal.	Woodruff.

Absent—Excused.

Stevenson.

House Bill No. 348.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Hughes and Mr. Harrison of El Paso:

H. B. No. 348, A bill to be entitled "An Act amending Article 3736, Revised Civil Statutes of the State of Texas, 1925, so that suits may be filed on sworn accounts, including liquidated money demands on written contracts, and business dealings on which systematic record of accounts has been kept, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Berkeley, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 348 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Poage.
Greer.	Pollard.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodul.
Moore.	Woodward.

Present—Not Voting.

DeBerry.	Purl.
Oneal.	Woodruff.

Absent—Excused.

Stevenson.

Read third time and finally passed.

House Bill No. 187.

The Chair laid before the Senate on its second reading the following bill:

By Mr. McGregor:

H. B. No. 137, A bill to be entitled "An Act to amend Article 3492 of Chapter 17, Title 54, of the Revised Civil Statutes of 1925, so as to permit the court to set apart to the widow or children, if necessity requires, the exempt property, subject to existing liens against the same, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 137 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Poage.
Greer.	Pollard.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodul.
Moore.	Woodward.

Present—Not Voting.

DeBerry.	Purl.
Oneal.	Woodruff.

Absent—Excused.

Stevenson.

Read third time and finally passed.

House Bill No. 825.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Grogan:

H. B. No. 825, A bill to be entitled "An Act fixing the salary of county

auditors in counties having a population of not less than 19,850 and not more than 19,880, according to the last available Federal census; providing for the method of payment and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Cousins, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 825 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Patton.
Cunningham.	Patton.
Gainer.	Poage.
Greer.	Pollard.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodul.
Moore.	Woodward.

Present—Not Voting.

DeBerry.	Purl.
Oneal.	Woodruff.

Absent—Excused.

Stevenson.

Read third time and finally passed.

Senate Bill No. 13.

Senator Purl made the following motion:

Mr. President, I move that the Senate recede from its request, of the House that a Free Conference Committee be appointed to adjust the difference between the House and Senate on S. B. No. 13 and that the Senate now concur in house amendments to Senate Bill No. 13.

The motion prevailed.

Conference Committee Report.

Senator Small sent up the following conference committee report:

Committee Room,
Austin, Texas, May 21, 1931.
Hon. Edgar E. Witt, President of the Senate,
Hon. Fred H. Minor, Speaker of the House of Representatives.
Sir: We, your Free Conference Committee, appointed to adjust the

difference between the two Houses on House Bill No. 185, have had the same under consideration and report as follows:

That Section 1 of the bill read as follows:

"Section 1. The State of Texas shall be apportioned into the following Congressional Districts, each of which shall be entitled to elect one member of the Congress of the United States:

First: The following counties shall compose the First District, to-wit: Bowie, Cass, Marion, Upshur, Camp, Morris, Red River, Titus, Franklin, Hopkins, Delta and Lamar.

Second. The following counties shall compose the Second District, to-wit: Nacogdoches, Shelby, San Augustine, Sabine, Angelina, Tyler, Jasper, Newton, Hardin, Orange and Jefferson.

Third: The following counties shall compose the Third District, to-wit: Van Vandt, Smith, Gregg, Harrison, Henderson, Cherokee, Rusk, and Panola.

Fourth: The following counties shall compose the Fourth District, to-wit: Grayson, Fannin, Collin, Hunt, Rockwall, Rains, Kaufman, and Wood.

Fifth: The following county shall compose the Fifth District, to-wit: Dallas.

Sixth: The following counties shall compose the Sixth District, to-wit: Ellis, Hill, Navarro, Limestone, Freestone, Anderson, and Leon.

Seventh: The following counties shall compose the Seventh District, to-wit: Robertson, Brazos, Grimes, Waller, Madison, Houston, Walker, Trinity, Polk, San Jacinto, Montgomery, Liberty, Chambers, and Galveston.

Eighth: The following county shall compose the eighth district, to-wit: Harris.

Ninth: The following counties shall compose the Ninth District, to-wit: Fayette, Bastrop, Austin, Colorado, Lavaca, DeWitt, Victoria, Jackson, Wharton, Fort Bend, Calhoun, Matagorda, and Brazoria.

Tenth: The following counties shall compose the Tenth District, to-wit: Caldwell, Hays, Travis, Williamson, Milam, Lee, Burleson, and Washington.

Eleventh: The following counties shall compose the Eleventh District, to-wit: Erath, Hood, Somervell, Hamilton, Bosque, Coryell, McLennan, Bell, and Falls.

Twelfth: The following counties shall compose the Twelfth District, to-wit: Johnson, Parker, and Tarrant.

Thirteenth: The following counties shall compose the Thirteenth District, to-wit: Denton, Cooke, Wise, Montague, Jack, Clay, Young, Archer, Wichita, Throckmorton, Baylor, and Wilbarger.

Fourteenth: The following county shall compose the Fourteenth District, to-wit: Bexar.

Fifteenth: The following counties shall compose the Fifteenth District, to-wit: Uvalde, Medina, Zavala, Frio, Dimmit, LaSalle, Webb, Duval, Zapata, Jim Hogg, Starr, Hidalgo, Cameron, and Brooks.

Sixteenth: The following counties shall compose the Sixteenth District, to-wit: El Paso, Hudspeth, Culberson, Reeves, Jeff Davis, Presidio, Brewster, Pecos, Terrell, Crockett, Loving, Winkler, Ward, Ector, Crane, Midland, Upton, Howard, Glasscock, and Reagan.

Seventeenth: The following counties shall compose the Seventeenth District, to-wit: Fisher, Jones, Shackelford, Stephens, Palo Pinto, Mitchell, Nolan, Taylor, Callahan, Eastland, Brown, and Comanche.

Eighteenth: The following counties shall compose the Eighteenth District, to-wit: Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Parmer, Castro, Swisher, Briscoe, Hall, Childress, Hardeman, and Foard.

Nineteenth: The following counties shall compose the Nineteenth District, to-wit: Bailey, Lamb, Hale, Floyd, Motley, Cottle, Cochran, Hockley, Lubbock, Crosby, Dickens, King, Knox, Yoakum, Terry, Lynn, Garza, Kent, Stonewall, Haskell, Gaines, Dawson, Borden, Scurry, Andrews, and Martin.

Twentieth: The following counties shall compose the Twentieth District, to-wit: Sterling, Coke, Runnels, Coleman, Irion, Tom Green, Concho, McCulloch, San Saba, Mills, Lampasas, Schleicher, Menard, Mason, Llano, Burnet, Sutton, Kimble, Gillespie, Blanco, Val Verde, Edwards, Real, Kerr, Kendall, Bandera, Kinney, and Maverick.

Twenty-first: The following counties shall compose the Twenty-first District, to-wit: Comal, Guadalupe, Gon-

zales, Willson, Karnes, Atascosa, McMullen, Live Oak, Bee, Goliad, Refugio, Aransas, San Patricio, Jim Wells, Nueces, Kleberg, Kenedy, and Willacy.

Sections 2, 3 and 4, and also the Caption of the said House Bill 185 as passed by the House and the Senate, are adopted by this committee, and same, together with Section 1 above specified, constitutes the full and complete bill as adjusted and agreed upon and covered by this report.

Respectfully submitted,

FINN,
MARTIN,
JOHNSON of Dimmit.
METCALFE,
MURPHEY,

On the part of the House.

GAINER,
HARDIN,
SMALL,

On the part of the Senate.

The report was read.

Senator Greer moved as a substitute that the Free Conference report be not adopted and that a new Free Conference Committee on the Congressional Redistricting bill be appointed by the Senate and that a new conference committee from the House be requested.

Senator Parr moved the previous question on the motion. The motion to order the previous question prevailed by the following vote:

Yeas—17.

Cousins.	Pollard.
Cunningham.	Russek.
Gainer.	Small.
Holbrook.	Thomason.
Loy.	Williamson.
Oneal.	Woodruff.
Parr.	Woodul.
Patton.	Woodward.

Nays—9.

Beck.	Hornsby.
Berkeley.	Neal.
DeBerry.	Poage.
Greer.	Purl.
Hardin.	

Absent.

Hopkins.	Moore.
Martin.	Rawlings.

Absent—Excused.

Stevenson.

The motion to refuse to adopt the report and to ask for the appointment of a new conference committee prevailed by the following vote:

Yeas—14.

Beck.	Neal.
DeBerry.	Parr.
Greer.	Patton.
Holbrook.	Poage.
Hornsby.	Pollard.
Loy.	Purl.
Moore.	Thomason.

Nays—11.

Cousins.	Rawlings.
Cunningham.	Small.
Gainer.	Williamson.
Hardin.	Woodruff.
Oneal.	Woodward.
Parrish.	

Absent.

Martin.	Russek.
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(Pairs Recorded.)

Senator Berkeley (present) who would vote nay, with Senator Stevenson (absent) who would vote yea.

Senator Woodul (present) who would vote yea, with Senator Hopkins (absent) who would vote nay.

Senator Pollard moved to reconsider the vote by which the motion prevailed.

Senator Parr moved to table the motion to reconsider. The motion prevailed by the following vote:

Yeas—13.

Beck.	Neal.
DeBerry.	Parr.
Greer.	Patton.
Holbrook.	Poage.
Hornsby.	Pollard.
Loy.	Thomason.
Moore.	

Nays—12.

Cousins.	Purl.
Cunningham.	Rawlings.
Gainer.	Small.
Hardin.	Williamson.
Oneal.	Woodruff.
Parrish.	Woodward.

Absent.

Martin.	Russek.
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(Pairs Recorded.)

Senator Berkeley (present) who

would vote nay, with Senator Stevenson (absent) who would vote yea.

Senator Woodul (present) who would vote yea, with Senator Hopkins (absent) who would vote nay.

Conference Committee Report.

Senator Oneal sent up the following Conference Committee report:

Committee Room,

Austin, Texas, May 22, 1931.

Hon. Edgar E. Witt, President of the Senate.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sirs: We, your Conference Committee on Senate Bill No. 132, appointed to adjust the differences between the House and the Senate on same, beg leave to report that we have agreed upon the differences between the two Houses and recommend the following bill to be adopted.

By Oneal, S. B. No. 132.

A BILL To Be Entitled

An Act to amend Article 7298, Revised Statutes, 1925, as amended by Chapter 81 of the General Laws of the Second Called Session of the 41st Legislature, and to prevent delinquent tax payers from pleading statute of limitation by way of defense against the payment of any taxes due from him or her either to the State, or any county, city, town navigation district, drainage district, road district, levee district, reclamation district, irrigation district, improvement district, school district and all other districts; prescribing a limitation of time when suits may be brought for taxes of school districts and road districts; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 7298, Revised Civil Statutes of Texas, 1925, as amended by Chapter 81 Acts of the 41st Legislature, Second Called Session, same being Senate Bill No. 169, be and the same is hereby amended to read hereafter as follows:

"Article 7298. That no delinquent tax payer shall have the right to plead in any court or in any manner rely upon any statute of limitation by way of defense against the

payment of taxes due from him or her to the State, or any county, City, town, navigation district, drainage district, road district, levee district, reclamation district, irrigation district, improvement district, school district, and all other districts. Provided that no suit shall be brought for the collection of delinquent taxes of a school district or road district unless instituted within ten years from the time the same shall become delinquent."

Sec. 2. Whereas, the Law now provides that no suit shall be brought for the collection of delinquent taxes of a School District or a Road District unless instituted within six years from the time the same shall become delinquent and thus discriminates against such Districts, and by reason thereof it has become necessary for numerous school Districts and Road Districts within the State of Texas to institute suits against delinquent taxpayers, which suits have and will cause distress and hardship to many citizens of the State, therefore, an emergency exists and an imperative public necessity requiring the suspension of the Constitutional Rule requiring all bills to be read on three several days, and that this Act take effect and be in force from and after its passage, and it is so enacted.

ONEAL,
MOORE,
HARDIN,
RAWLINGS,

On the part of the Senate.

HATCHITT,
MOFFETT,
DOWELL,
HARRISON,
PETSCH,

On the part of the House.

Read and adopted by the following vote:

Yeas—30.

Beck.	Hopkins.
Berkeley.	Hornsby.
Cousins.	Loy.
Cunningham.	Martin.
DeBerry.	Moore.
Gainer.	Neal.
Greer.	Oneal.
Hardin.	Parr.
Holbrook.	Parrish.

Patton.	Small.
Poage.	Thomason.
Pollard.	Williamson.
Purl.	Woodruff.
Rawlings.	Woodul.
Russek.	Woodward.

Absent—Excused.

Stevenson.

S. C. R. No. 59.

Senator Berkeley sent up the following resolution:

S. C. R. No. 59, Giving the Lee Moore Contracting Company consent of the Legislature to sue the State.

Whereas, Lee Moore Contracting Company, El Paso, Texas, entered into a contract with the State Highway Commission heretofore for the construction of a twenty (20) mile strip of road on State Highway No. 130, being Job No. 72-E, S. A. P. No. 776-C, on Highway leading from El Paso to the Culberson County line; and

Whereas, it is claimed that said Contractor furnished additional material and did excess work at the instance of said Department, for which said Department has failed to make satisfaction; and,

Whereas, it is claimed that certain facts and information were concealed by said Department in the letting of said contract, and, by reason thereof, it is alleged that a cause of action arose and that consent to prosecute the same should be given said contractor.

Now, therefore, be it resolved by the Senate of the State of Texas, the House concurring:

That the consent of the Legislature and of the State is hereby given said Lee Moore Contracting Company, of El Paso, Texas, its successors and assigns, to file and prosecute said suit against the State of Texas and/or the State Highway Commission, and that service be had in said cause by citing the Governor, Chairman of said Commission, and Attorney General; provided, however that limitation shall not be plead by said defendants, and said suit shall be maintained in either El Paso or Travis Counties.

BERKELEY.

Read and adopted.

House Bill No. 1003.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 1003, A bill to be entitled "An Act amending Section 1, Chapter 306, Acts of Regular Session, Forty-first Legislature, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Cousins the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 1003 was put on its third reading final passage by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Stevenson.

Read third time and finally passed.

House Bill No. 798.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 798, A bill to be entitled "An Act to amend Article 1119 of the Revised Civil Statutes of 1925 so as to change the population of towns coming within the scope of 2000 to 1000, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Purl the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 798 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Stevenson.

Read third time and finally passed.

At Ease.

By unanimous consent the Senate stood at ease.

Messages from the House.

Hall of the House of Representatives,
Austin, Texas, May 22, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:
S. C. R. No. 57, Relative to sine die adjournment as amended.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 22, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a new Conference Committee to consider the differences between the two Houses on House Bill No. 185.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 22, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 74, Directing the Enrolling Clerk of the House to correct the caption to H. B. No. 150.

The House has adopted the Free Conference Committee Report on S. B. No. 132 by a viva voce vote.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Fred Lowery Whistles.

The Chair introduced Fred Lowery, who whistled several selections.

Motion to Concur.

Senator Berkeley moved to concur in the House amendment to S. C. R. No. 57. The motion prevailed.

Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 172.	S. B. No. 585.
S. B. No. 263.	S. B. No. 621.
S. B. No. 447.	S. B. No. 626.

House Bill No. 849.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 849, A bill to be entitled "An Act changing certain fees charged by the constables to make them correspond to the fees charged by the sheriffs; providing for things necessary and incidental and declaring an emergency."

Read second time and failed to pass to third reading by the following vote:

Yea—1.

Purl.

Nays—23.

Berkeley.	Parrish.
Cousins.	Poage.
DeBerry.	Pollard.
Gainer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hornsby.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

Absent.

Beck.	Hopkins.
Cunningham.	Loy.
Greer.	Patton.

Absent—Excused.

Stevenson.

House Bill No. 261.

Senator Small moved to take up the following bill:

By Mr. Tarwater:

H. B. No. 261, A bill to be entitled "An Act imposing an occupation tax upon wholesalers, as defined herein, of oleomargarine and other substitutes for butter, as defined herein; providing the amount of the tax and the time, method and manner of paying the same— providing that the same shall be placed one-fourth to the credit of the available public school and remainder to general revenue fund, etc., and declaring an emergency."

The motion was lost by the following vote:

Yeas—8.

DeBerry.	Parr.
Hornsby.	Poage.
Loy.	Russek.
Neal.	Small.

Nays—14.

Berkeley.	Pollard.
Cousins.	Purl.
Gainer.	Rawlings.
Hardin.	Thomason.
Martin.	Woodruff.
Moore.	Woodul.
Oneal.	Woodward.

Absent.

Beck.	Parrish.
Cunningham.	Patton.
Greer.	Williamson.
Hopkins.	

(Pair Recorded.)

Senator Holbrook present, who would vote nay with Senator Stevenson absent, who would vote yea.

H. C. R. No. 74.

The Chair laid before the Senate: H. C. R. No. 74, Authorizing certain corrections in H. B. No. 150.

Read and adopted.

House Bill No. 797.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 797, A bill to be entitled "An Act making it unlawful to hunt, shoot or kill any quail in Falls County for a period of five years; fixing penalty, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Poage the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 797 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent.

Cunningham.	Parrish.
Hopkins.	Patton.

Absent—Excused.

Stevenson.

Read third time and finally passed.

House Bill No. 718.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 718, A bill to be entitled "An Act to amend Section 5 of Article 8307, Title 130, of the Revised Civil Statutes of 1925, and Acts of the Fortieth Legislature. Chapter 223, 1927, commonly known and referred to as the Workmen's Compensation Act, providing that the Industrial Accident Board shall furnish upon request any interested party a certified copy of the employer's notice of becoming a subscriber, which shall be admissible in evidence in any court and be prima

facie proof of all the facts stated in such notice, and declaring an emergency."

Read second time.

Senator Woodul sent up the following amendment:

Amend H. B. No. 718 as printed in the Senate Journal of May 8th, page 1444 by striking out the sentence beginning with the word "The" in the 18th line from the bottom of the page, Section 5, and ending with the word "therein" in the second line from the bottom of the page, and insert in lieu thereof the following:

"The Industrial Accident Board shall furnish any interested party in said claim pending in Court upon request free of charge, with a certified copy of the notice of the employer becoming a subscriber filed with the Board and the same when properly certified to shall be admissible in evidence in any Court in this State upon trial of such claim therein pending and shall be prima facie proof of all facts stated in such notice in the trial of said cause unless same is denied under oath by the opposing party therein."

WOODUL.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Woodul, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 718 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent.

Cunningham. Parrish.

Absent—Excused.

Stevenson.

Read third time and finally passed.

S. C. R. No. 60.

Senator Small sent up the following resolution:

A CONCURRENT RESOLUTION

Whereas, An amendment was added to H. B. No. 251 imposing a tax on every person engaging in the business of buying and selling cotton and/or grain, livestock, or any other agricultural product; and,

Whereas, An amendment was made to said amendment, and the amendment was adopted to said amendment, striking out the words "and/or grain, live stock or other agricultural product;" and,

Whereas, Another amendment was adopted striking out the words "and selling cotton," which will leave nothing in said original amendment, known as Section 8-A by Poage, except the machinery for collection, but no tax was imposed; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring: That the Enrolling Clerk of the House be, and she is, hereby instructed to strike out all of Section 8-A by Poage of said bill.

POAGE.
SMALL.

Read and adopted.

House Bill No. 723.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 723, A bill to be entitled "An Act to make it unlawful to take or kill wild turkey for a period of five years in Haskell, Jones and Throckmorton Counties, Texas; fixing a penalty, and declaring an emergency."

The committee report and amendment were adopted.

The bill was read second time and failed to pass to third reading.

House Bill No. 380.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Bond:

H. B. No. 380, A bill to be entitled "An Act amending Article 3773 of the 1925 Revised Civil Statutes so

as to provide that judgments shall not become dormant where execution shall have issued on a judgment within ten years after the issuance of a preceding execution, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Pollard, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 380 was put on its third reading and final passage by the following vote:

Yeas—15.

Berkeley.	Pollard.
Cousins.	Purl.
Hardin.	Russek.
Hornsby.	Small.
Moore.	Thomason.
Neal.	Williamson.
Parr.	Woodruff.
Poage.	

Nays—5.

DeBerry.	Rawlings.
Holbrook.	Woodul.
Oneal.	

Present—Not Voting.

Patton.

Absent.

Beck.	Loy.
Cunningham.	Martin.
Gainer.	Parrish.
Greer.	Woodward.
Hopkins.	

Absent—Excused.

Stevenson.

(Four-fifths vote required.)

H. C. R. No. 65.

The Chair laid before the Senate: H. C. R. No. 65, Relating to prosecuting lotteries.

Read and lost by the following vote:

Yeas—9.

DeBerry.	Neal.
Greer.	Parr.
Hardin.	Poage.
Hornsby.	Pollard.
Martin.	

Nays—15.

Berkeley.	Holbrook.
Cousins.	Moore.

Oneal.	Thomason.
Patton.	Williamson.
Purl.	Woodruff.
Rawlings.	Woodul.
Russek.	Woodward.
Small.	

Absent.

Beck.	Hopkins.
Cunningham.	Loy.
Gainer.	Parrish.

Absent—Excused.

Stevenson.

Message from the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message:

Executive Office,

Austin, Texas, May 22, 1931.

To the Members of the Forty-second Legislature:

It now appears that the final formalities of sine die adjournment will not occur before Saturday morning. Anticipating that your honorable body would terminate its labors today, in accordance with the adjournment resolution heretofore adopted, I had made engagements to take me away from Austin tomorrow, which cannot now be canceled or deferred without considerable inconvenience. Therefore, I shall be absent when you complete your work and depart.

There is no particular necessity for my presence at the hour of adjournment, but I wish to express my exceeding regret that I shall not be here.

I appreciate more than I can tell, your faithful service to the state and your cooperation with, and kind consideration for, the executive throughout the long session. My regard and affection for you is such that I shall be lonesome for you after you are gone; and indeed, if it develops that an additional session will be necessary to complete the program of needed legislation, I shall soon ask you to return within twenty or thirty days.

Meanwhile, may I not take this occasion to express the great pleasure that my official and personal associations with you have afforded me, to sincerely wish you one and all a safe return to your home, a well earned rest, and a prosperous re-

sumption of your private endeavors, and to bid you farewell.

Respectfully submitted,

R. S. STERLING.

Governor.

Motion to Appoint Committee.

Senator Woodward moved to appoint a committee of three to acknowledge receipt of the message and to express to Governor Sterling the appreciation and best wishes of the Senate. The motion prevailed.

House Bill No. 141.

Senator Neal moved to take up the following bill:

By Mr. Bond:

H. B. No. 141, A bill to be entitled "An Act amending Article 287 of the Code of Criminal Procedure, 1925, so as to require the fixing and approving bail bonds without necessity of suing out of writ of habeas corpus, and declaring an emergency."

The motion prevailed by the following vote:

Yeas—18.

Beck.	Patton.
Berkeley.	Poage.
Cousins.	Pollard.
DeBerry.	Purl.
Greer.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Neal.	Woodul.
Parr.	Woodward.

Nays—8.

Gainer.	Oneal.
Holbrook.	Rawlings.
Martin.	Russek.
Moore.	Small.

Absent.

Cunningham.	Parrish.
Hardin.	Stevenson.
Hopkins.	

By unanimous consent, consideration of the bill was temporarily suspended to permit the preparation of amendments.

H. C. R. No. 34.

The Chair laid before the Senate: H. C. R. No. 34, Relating to suit by heirs of Edward T. Wingate.

The committee report was adopted. Read second time.

Senator Oneal moved to postpone

indefinitely further consideration of the resolution.

Senator Hornsby moved to table the motion to postpone. The motion to table was lost by the following vote:

Yeas—2.

Gainer.	Hornsby.
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Nays—23.

Beck.	Patton.
Berkeley.	Poage.
Cousins.	Pollard.
DeBerry.	Purl.
Greer.	Rawlings.
Hardin.	Small.
Holbrook.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Absent.

Cunningham.	Parrish.
Hopkins.	Russek.
Parr.	

Absent—Excused.

Stevenson.

The motion to postpone indefinitely prevailed.

Reason For Vote on H. C. R. No. 34
By Oneal and Purl.

Honorable Ben G. Oneal, Senate Chamber, Austin, Texas.

Dear Senator: This is in response to your inquiry regarding H. C. R. No. 34 to grant the heirs of Edward T. Wingate the right to sue the State of Texas. The muster roll on file in the Land Office shows that Edward Wingate was in Captain Wadsworth's company and was among those massacred at Goliad. The name does not appear in the list of escapes but Captain Jack Shackelford on the 8th of January 1938, appears to have made an affidavit before the Board of Land Commissioners of Harris County that Wingate was at Goliad and escaped and his name is among the list of escapes on the monument in the State cemetery. The testimony given by Captain Shackelford was on the 8th of January 1839, and was in connection with the application of the heirs of Edward Wingate for a headright certificate. This would indicate that Captain Shackelford thought he was dead at that time.

Some reputable people claiming to be the heirs of Edward Wingate state that he lived for a number of years after the massacre of Goliad and raised a family, I believe in Houston County, Texas. It is this set of heirs who are asking for the permit to sue the State.

The grants amounting to a league and a labor as headright and 2560 acres as bounty and donation appear to be valid. These grants are located as follows:

1476 acres in Houston County in which Edward T. Wingate is alleged to have lived;

640 acres in Cooke County;

444 acres in Cooke County;

A league and labor in three surveys in Montague County.

The question to my mind is that the issue is between the heirs as to the ownership of the land. In other words, the State has done its part. The evidence seems to be indisputable that Edward Wingate was married in Alabama before he came to Texas and left a wife, Isabella Wingate, and some children in that State. These heirs made the proof of heirship and probably transferred the land. The proof seems to have been based largely on the affidavit of Dr. John Collins of Henderson County of this State, who claims to have known Wingate and his family. The certificate as well as the patents are issued to the Heirs of Edward Wingate, without naming them. This has always been the practice in the Land Office, and the reason for the rule probably is that the rights of no one can be prejudiced in this way.

There are thousands of people in Texas who perhaps have claims of equal merit to the heirs of Edward T. Wingate, if he and Edward Wingate are one and the same person and if these people are the lawful heirs of Edward Wingate. I am not in possession of all of the facts relating to the matter of heirship, and I am speaking only from the records of the Land Office and some information given me by one of the claimants under Edward E. Wingate.

Very truly,
J. H. WALKER,

Houston B-166 Commissioner.
Fan. 1-987-8
Fan. D-864
Fan. B-863
JHW:kt

House Bill No. 1056.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 1056, A bill to be entitled "An Act to prohibit the hunting, trapping, ensaring, killing or possessing, dead or alive, any wild buck deer or wild turkey, or either of them, within the limits of Limestone County, of the State of Texas, for a period of five years from and after the passage of this act; providing a penalty therefor, and declaring an emergency."

Read second time.

Senator Poage sent up the following amendment:

Amend H. B. No. 1056 by striking out the words "dead or alive" wherever they occur both in the caption and in the body of the bill.

POAGE.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Poage the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 1056 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent.

Cunningham.	Parrish.
Hopkins.	Russek.

Absent—Excused.

Stevenson.

Read third time and finally passed.

House Bill No. 871.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 871, A bill to be entitled "An Act to amend Article 1302, Title 32, Revised Civil Statutes of the State of Texas, 1925, providing additional purposes for which corporations may be formed under the laws of Texas."

The committee amendment was adopted.

The bill was read second time.

Senator Purl sent up the following amendment:

Amend H. B. No. 871 by adding after Section 1 the following:

Section 2. The importance of this Act and the near approach of adjournment of the session of the 42nd Legislature creates an emergency and an imperative public necessity requiring bills to be read on three several days be suspended and this Act be in force and effect after its passage, and it is so enacted.

PURL.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Purl the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 871 was put on its third reading and final passage by the following vote:

Yeas—21.

Berkeley.	Parr.
Cousins.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Small.
Holbrook.	Williamson.
Hornsby.	Woodruff.
Moore.	Woodul.
Neal.	Woodward
Oneal.	

Nays—1.

Loy.

Absent.

Beck.	Patton.
Cunningham.	Russek.
Martin.	Thomason.
Parrish.	

Absent—Excused.

Hopkins. Stevenson.

Read third time and finally passed.

Recess.

On motion of Senator Moore, the Senate, at 10:25 o'clock, p. m., recessed until 10 o'clock a. m. tomorrow.

APPENDIX.

Petitions and Memorials.

WESTERN UNION TELEGRAM.

1931 MAY 19 PM 4 38
HS59 53 2 EXTRA-AMARILLO
TEX 19 322P
LIUT GOV EDGAR WITT AND
MEMBERS STATE SENATE
AUSTIN TEX—

OVER ONE THOUSAND MEMBERS OF THIS ORGANIZATION ARE VITALLY INTERESTED IN PASSAGE HOUSE BILL ONE EIGHT SEVEN PLACING TAX ON OLEO-MARGARINE THEY RESPECTFULLY URGE YOUR SERIOUS CONSIDERATION OF THIS BILL AND ASK YOUR SUPPORT IN PASSING IT FAILURE TO IMPOSE TAX WILL SERIOUSLY HANDICAP DAIRY INDUSTRY IN THIS PART OF TEXAS—

TEXAS PANHANDLE PLAINS
DAIRY ASSOCIATION BY P C
BENNETT PRESIDENT—

Committee on Enrolled Bills.

Committee Room,

Austin, Texas, May 21, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 90 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, May 21, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 430 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, May 21, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 627

carefully examined and compared and find same correctly enrolled.
GREER, Chairman.

Committee Room,
Austin, Texas, May 21, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 375 carefully examined and compared and find same correctly enrolled.
GREER, Chairman.

Committee Room,
Austin, Texas, May 22, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 172 carefully examined and compared and find same correctly enrolled.
GREER, Chairman.

Committee Room,
Austin, Texas, May 22, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 263 carefully examined and compared and find same correctly enrolled.
GREER, Chairman.

Committee Room,
Austin, Texas, May 22, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 447 carefully examined and compared and find same correctly enrolled.
GREER, Chairman.

Committee Room,
Austin, Texas, May 22, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 585 carefully examined and compared and find same correctly enrolled.
GREER, Chairman.

Committee Room,
Austin, Texas, May 22, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: we, your Committee on Enrolled Bills, have had S. B. No. 621 carefully examined and compared and find same correctly enrolled.
GREER, Chairman.

Committee Room,
Austin, Texas, May 22, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 626 carefully examined and compared and find same correctly enrolled.
GREER, Chairman.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, May 21, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 169 carefully examined and compared and find same correctly engrossed.
HARDIN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, May 19, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred

H. B. No. 73, A bill to be entitled "An Act providing for the regulations of gins, ginners, ginning: the licensing of ginners; providing for proper packing, wrapping, marking and providing for weight of seed cotton, lint cotton, and cotton seed, and keeping a record of the same; providing for the collection of license fees to be used by the Commissioner of Agriculture for the enforcement of this Act; requiring certain reports; providing penalties for the violation of this Act; defining certain terms; repealing certain Articles of the Statute; and all laws and parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, May 21, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Town and City Corporations, to whom was referred

H. B. No. 871, A bill to be entitled "An Act to amend Article 1302, Title 32, Revised Civil Statutes of the State

of Texas, 1925, providing additional purposes for which corporations may be formed under the laws of Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment, and be not printed.

ONEAL, Chairman.

Amendment.

Amend House Bill No. 871 by striking out of the last line thereof the following words, to-wit: "and to act as broker for theatrical and musical artists."

Transcript Relative to Gift of Chair to Former Governor Dan Moody.

By Parr.

S. C. R. No. 55.

Whereas, The Chair in the Governor's office used by Governor Dan Moody for four years as Governor is not being used in the Governor's office, and,

Whereas, Governor Dan Moody used this chair for four years as Governor of Texas and is very anxious to purchase same from the State of Texas, Now, Therefore, Be It

Resolved by the Senate of Texas, the House of Representatives concurring,

That, a committee composed of one senator, to be appointed by the Lieutenant Governor, and two members of the House of Representatives, to be appointed by the Speaker of the House, be authorized to place a value on said chair and to execute a bill of sale to Governor Dan Moody for said chair on payment of the value placed by said committee on the chair, and that the money collected for said chair be deposited in the State Treasury to the credit of the General Fund of the State of Texas.

Capitol Building, May 21, 1931.

Hon. Edgar E. Witt, President of the Senate.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sirs: We, your committee, appointed by authority of Senate Concurrent Resolution No. 55 for the purpose of placing a value on the chair used by former-Governor Dan Moody during the four years he was Governor of Texas, and to sell said chair and execute a bill of sale there-

for to Governor Moody, beg leave to report that we have placed a value of Ten (\$10.00) Dollars on the chair and have executed proper bill of sale conveying the chair to Governor Moody and have collected the Ten (\$10.00) Dollars and delivered it to the State Comptroller for deposit in the State Treasury to the credit of the General Revenue Fund of this State.

Respectfully submitted,

PARR,

On part of the Senate.

POPE,

PETSCH.

On part of the House.

Austin, Texas, May 21, 1931.

Hon. Geo. H. Sheppard, State Comptroller.

Dear Sir:

Inclosed you will find \$10.00 in currency, which is for the sale of a chair. The ten dollars being donated by Dan Moody's friends for the purchase of the chair used by him as Governor for four years as provided in the Senate Concurrent Resolution number fifty five (55).

Yours very truly,

PARR.

Deposit Warrant
STATE COMPTROLLER
of Public Accounts

No. 5700 \$10.00

The Treasurer
of the State of Texas

Will receive from Senator Don Archie Parr by Geo. H. Sheppard, State Comptroller drafts and checks in the sum of Ten Dollars and credit to account of State Revenue Ten Dollars in currency donated by Dan Moody's friends for purchase of chair used by Governor Dan Moody for four years as Governor, as provided by Senate Concurrent Resolution number 55, by Senator Don Archie Parr.

GEO. H. SHEPPARD,

Austin, May 22, 1931.

State Comptroller of Public Accounts

Whereas, by authority of Senate Concurrent Resolution No. 55, the undersigned, Archie Parr, W. E. Pope and A. P. C. Petch, were appointed by Lieutenant Governor Edgar E. Witt, President of the Senate, and Fred H. Minor, Speaker of the House of Representatives, as a committee to place a value on the

chair used by former-Governor Dan Moody during the period of time he was Governor of Texas, and to execute a bill of sale to Governor Moody conveying the chair to him; and,

Whereas, pursuant to the authority conferred upon us by said Resolution, we have placed a value of Ten (\$10.00) Dollars on said chair and the Ten (\$10.00) Dollars having been paid to us, has been delivered to the State Comptroller with instructions to deposit same in the State Treasury to the credit of the General Revenue Fund of this State.

Now, Therefore, Know All Men by These Presents: That we, Archie Parr, W. E. Pope and A. P. C. Petsch, for and in consideration of the sum of Ten (\$10.00) Dollars to us paid for the benefit of the State of Texas, the receipt of which is hereby acknowledged and confessed, have Bargained, Sold and Delivered and do by these presents Bargain, Sell, and Deliver unto the said Dan Moody, of the County of Travis, State of Texas, the following described personal property, to-wit:

One swivel chair with leather back and leather seat, and being the same chair that was used by the said Dan Moody in the Governor's office during the period of time he was Governor of Texas.

And we do, for the State of Texas, covenant to and with the said Dan Moody, his heirs, executors, administrators and assigns, to warrant and forever defend the title to said chair before mentioned, against the lawful claim or claims of any and all persons whomsoever.

In Testimony, Whereof, we hereto subscribe our names on this the 21st day of May, A. D. 1931.

PARR,
POPE,
PETSCH.

The State of Texas)
County of Travis)

Before me, A. E. Wood, a Notary Public, in and for Travis County, Texas, on this day personally appeared Archie Parr, W. E. Pope and A. P. C. Petsch, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the pur-

poses and consideration therein expressed and as the act and deed of the State of Texas, and in the capacity therein stated.

Given under my hand and seal of office this the 21st day of May, A. D. 1931.

A. E. WOOD.

Notary Public Travis County, Texas.

Address by Senator Holbrook.

Mr. President and Members of the Senate.

Mindful of a debt of gratitude which the citizens of this commonwealth, owe to a loyal son of Texas, and remembering the great love they have for him, some of his friends have thought it fitting and proper that we should present him here this morning with some remembrance for service and work discharged by him during the four years, just preceding the present administration. It was learned by Don Archie Parr, the distinguished Senator from Duval, that the junior Ex-governor had a great desire to have with him and to keep in his possession one of his associates in the office down there. You know sometimes a man becomes attached to inanimate things as well as those that are animate. In all our experiences we have loved some things found in our office. It was learned that Governor Dan Moody very much desired to come into possession of the chair in which he sits this morning; the same chair in which he sat for four years and guided the affairs of the State of Texas. A few of his friends suggested that it would be a very appropriate thing to buy that chair and present it to him. It is our pleasure to present that chair to him. If the chair could speak, members of the Senate, we know, of course, what it would say. That during that four years nothing but honest thoughts came into that room. The Governor, always reluctant about suggesting the things which he cherished most, some of his friends have devised a method of getting one of them for him.

The Board of Control is the purchasing agency for the State, and the Governor appointed two of its members. He wanted the chair we are about to present to him, but he would not consult the Board about it, on account of his relationship with a majority of its members. We want him to have it and to keep it as long as he lives; or until it may be destroyed

in some manner beyond his control. This chair, inanimate as it is, is appreciated by the Governor, and will remain as one of his most cherished possessions. It will be handed down to his boy and to his boy's boy, to be kept by them as a memento of his service to the State. Memories surrounding this old chair will be dear to the Governor as long as he lives.

Governor Moody, we hand you this old chair, and know that it will be appreciated. The chair is not of value to anyone else particularly, but we know you will keep it and treasure it as long as you live; and that it will bring to you and yours pleasant memories of your great services as Chief Executive of this State.

ADDRESS BY GOVERNOR MOODY.

Mr. President, Senator **Holbrook**,
Ladies and Gentlemen:

Two or three days ago, I happened to be here in the Capitol on other business and met a friend of mine in the Hall who told me that he understood I had gone into the second hand furniture business. I told him, not that I knew of. He told me that they had passed a Resolution in the House of Representatives, that a Committee be appointed to sell me the chair that was in use in the Governor's Office, while I was Governor. I then met a member of the House and asked him who the author of the Resolution was. He told me that it had already passed both the House of Representatives and the Senate, and that Senator Parr was the author. So I came over to the Senate and looked Senator Parr up. I told him I appreciated that, and took back everything I had ever said about him. I understood that the Committee was to value the chair and I was to pay for it myself. You know this Senate is keeping a 100 per cent record, in so far as I am concerned. I intended to pay for it, the Senate has again prevented something that I intended to do.

I appreciate more than my words can well express what you have done in making it possible that I may own this chair that was used in the Governor's office at the time I was Governor. It is inanimate, but I can look at that chair in years to come,

and remember a good many things. I think there are many I can remember all my life, when I was worried and troubled about things when it looked like the whole fate of the Universe depended upon at that time. But the world has a way of looking at things. The problems look far more serious and far more important to one.

My recollection of my experience in the Governor's Office will be entirely remembrances of those things that were pleasant and of those associates that were happy, and this chair will serve, for so long as I may live, to be a constant reminder to me of the pleasant experiences of having been Governor of Texas. I said when my successor was inaugurated that I went out of office carrying with me only a mind filled with memories that were pleasant to recall. I hope that I never while Governor of Texas, said or did anything that brought heartache or pain to anyone. If I did, and I could consistent with my duty, if I had the power I would go back and wipe that thing out. It will be all pleasant and fond recollections to me, and you have made it possible that I may have something in my every day life to be a constant reminder of those experiences.

With everyone of you, who are members of the Senate, I have had some official experience, with some more than others. Some of you I have known since we were school boys together, others of you, I have known even longer, or at least one I have known longer than anyone else, that is Senator Hornsby, the Senator from Travis. My feeling for each and everyone of you is that of sincere and genuine friendship, and my wish for everyone of you is all the success and abundant happiness that you might wish for yourselves. I know that in your position as Senators from your various districts of the State of Texas, that everyone of you are controlled by one unselfish ambition, that is the welfare of the State, and the people and the development of Texas. And I think that your judgment, of your problems or the problems of Texas, will with the lights we have before us at the present time, will pass them by with just about as good

a decision of those questions as anyone could make, and I think that the people of Texas can feel safe while the problems of this State are being decided by this Senate, and while this Senate is in an unselfish manner undertaking to do those things for the future greatness and the future glory of the State we all honor and love.

And, Ladies and Gentlemen, I am this morning animated by the deepest sentiments of appreciation and gratitude of this generous act upon your part toward me, and I shall appreciate and treasure this Chair, and the sentiments of those that made it possible for me to have it, as long as life shall last with me.

I thank you.

SEVENTY-FOURTH DAY

(Continued.)

Senate Chamber,
Austin, Texas,
May 23, 1931.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Conference Committee Appointed.

The Chair announced the appointment of the following new conference committee on H. B. No. 185:

Senators Greer, Small, Woodul, Rawlings and Poage.

Messages From the House.

Hall of the House of Representatives,
Austin, Texas, May 22, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a new Conference Committee to consider the differences between the two Houses on House Bill No. 185. The following are the new conferees on the part of the House:

Metcalfe, Steward, Murphy, Wagstaff, Tarwater.

The House has adopted the Free Conference Committee report on S. B. No. 246 by a vote of 106 yeas and 1 nay.

The House has concurred in Senate Amendments to H. B. No. 871 by a vote of 106 yeas and no nays.

The House has concurred in Senate Amendments to H. B. No. 718 by a viva voce vote.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 23, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted as amended, S. C. R. No. 61, relative to the printing of the Session Acts.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 23, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the following resolution:

H. C. R. No. 76, Directing the Chairman of the Appropriation Committee and the Chairman of the Finance Committee remaining in Austin for 30 days and providing for the employment of employees to assist.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 23, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee report on H. B. No. 508 (The Educational Appropriation Bill), by a vote of 66 yeas and 52 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 23, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Report on S. B. No. 259, the Departmental Appropriation Bill, by a vote of 74 yeas and 33 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.